

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
VISA CANCELLATIONS (INCLUDING 501S)

KEY TALKING POINTS:

- The *Migration Act 1958* allows for the refusal or cancellation of a non-citizen's visa if they engage in unlawful or criminal behaviour or conduct that poses a risk to the safety of the Australian community.
- All non-citizens who hold a visa, regardless of how long they have resided in Australia or their nationality, must comply with their visa conditions, failing which they may have their visa cancelled and become liable for detention and removal from Australia.

What is the current character test?

- A person can fail the character test for a number of reasons including, but not limited to, a substantial criminal record, conduct that represents a risk to the Australian community or segments of the Australian community, or convictions for sexually based offences involving a child.
- As the Minister I have personal powers to cancel or refuse a visa with or without notice, where it is considered in the national interest to do so.

Data on visas refused or cancelled under the current character provisions

The table below sets out the number of adverse decisions made under section 501 of the Migration Act from 1 July 2019 to 31 October 2022.

	2019-20	2020-21	2021-22	2022-23 (to 31 Oct)	Total
Cancelled	1,015	939	651	176	2,781
Refused	355	798	207	60	1,420
Total	1370	1737	858	236	4,201

The table below sets out the number of decisions made under section 501(CA) of the Migration Act to revoke a mandatory cancellation from 1 July 2019 to 31 October 2022.

	2019-20	2020-21	2021-22	2022-23 (to 31 Oct)	Total
Revoked	252	143	38	36	469

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VISA CANCELLATIONS (INCLUDING 501S)

What other cancellation powers are available?

- In addition to section 501, a non-citizen's visa may be cancelled if they have breached their visa conditions, provided false or misleading information to the department, or where there are other integrity concerns.
- Common reasons that lead to the cancellation of permanent and temporary visas include where the visa holder:
 - provides incorrect information in a visa application
 - does not comply with their visa conditions
 - presents a risk to the safety, health or good order of the community
 - is a non-genuine entrant
 - requests cancellation to be able to access superannuation.

Data on visas cancelled using other grounds

- The table below sets out the number of visas cancelled using grounds at section 109 (cancellation for providing incorrect information to the Department), section 116 (general cancellation grounds which includes non-compliance with visa conditions and risk to the community), section 128 (cancellation without notice where the non-citizen is offshore relying on grounds in section 116) and section 140 (consequential cancellation of a visa) of the Migration Act from 1 July 2019 to 31 October 2022.

Decision	2019-20	2020-21	2021-22	2022-23 (to 31 Oct)	Total
Onshore	4,420	1,691	1,560	596	8,267
Offshore	53,565	23,888	22,701	3,985	104,139
Total	57,985	25,579	24,261	4,581	112,406

Impact of character-based visa cancellations on victims of family violence

- The Government considers the protection of victims of family violence, an ongoing priority.
- I note community advocates' concerns about the unintended consequences of Ministerial Direction 90 – *Visa refusal and cancellation under section 501 and revocation of a mandatory cancellation of a visa under section 501CA*, for victims of family violence.

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VISA CANCELLATIONS (INCLUDING 501S)

- I will consider these concerns and amend the Ministerial Direction after careful consideration.

Lead Division

Contact: FAS Justine Jones

Division: Status Resolution and Visa Cancellation
Division

Date first prepared: 08 July 2022

Originating Source: (MO/HA)

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

Action Officer: s. 22(1)(a)(ii)

Date last Updated: 2/03/2023 - 3:41 PM

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
DEPORTATION OF NEW ZEALAND CITIZENS

QUESTION: Why does Australia remove New Zealand citizens?

KEY TALKING POINTS:

- The Australian Government acknowledges New Zealand's concerns around the removal of New Zealand citizens who have spent most of their formative years in Australia and have limited links to the New Zealand community.
- All non-citizens who hold a visa, regardless of how long they have resided in Australia or their nationality, must comply with their visa conditions, failing which they may have their visa cancelled and become liable for detention and removal from Australia.
- The Government is currently considering how a common sense approach can be applied to the consideration of removal of New Zealand citizens who are cancelled under section 501 of the Migration Act. This approach will balance their ties to New Zealand, the length of time they have substantially lived in Australia and their ties to Australia.

If asked: Why are so many New Zealand citizens cancelled under section 501?

- New Zealand citizens are the largest expatriate population and make up around a third of all temporary entrants into Australia.
- The number of New Zealand citizens whose visas have been cancelled should be viewed in the context of the size of the New Zealand community in Australia, which is the largest non-citizen cohort. There are approximately 670,000 New Zealand citizens living in Australia on a temporary basis.

Data on New Zealand citizens cancelled and refused under 501

- The table below sets out the number of adverse decisions made in relation to New Zealand citizens under section 501 of the Migration Act from 1 July 2019, to 31 October 2022.

	2019-20	2020-2021	2021-2022	2022-2023 (to 31 Oct)	Total
Cancelled	475	402	246	74	1,197
Refused	45	85	17	15	162
Total	520	487	263	89	1,359

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QUESTION TIME BRIEF (QTB)
DEPORTATION OF NEW ZEALAND CITIZENS

- The table below sets out the number of decisions made, in relation to New Zealand citizens under section 501(CA) of the Migration Act, to revoke a mandatory cancellation from 1 July 2019 to 31 October 2022.

	2019-20	2020-2021	2021-2022	2022-2023 (to 31 Oct)	Total
Revoked	91	58	10	13	172

If asked: Why are New Zealand citizens who have lived in Australia for a long time having their visas cancelled?

- The Australian Government is now considering a common sense approach to New Zealand citizens balancing their ties to Australia against their risk to our community.
- The vast majority of New Zealand citizens who have their visa cancelled have committed serious or violent crimes or have an extensive criminal history.
- The Australian community expects that the Australian Government can and should refuse entry to non-citizens, or cancel their visas, if they commit serious crimes in Australia or elsewhere.

Why are so many New Zealand Citizens removed following visa cancellation?

- A Memorandum of Agreement with New Zealand regarding removals and deportations between Australia and New Zealand has been in place since 2015. This, along with the ability to easily obtain travel documents, the availability of commercial and charter flights and the absence of non-refoulement obligations enables larger numbers of removals to New Zealand than to other countries.

Data on New Zealand citizens removed:

- Between 1 July 2019 and 31 October 2022, 849 New Zealand citizens were removed from Australia following an adverse character decision.
- The table below provides a break down of removals following s501 decisions by financial year, to 31 October 2022.

	New Zealand	All other nationalities	Total
2019-2020	218	140	358
2020-2021	312	140	452
2021-2022	227	283	510
2022-23 (to 31 Oct)	92	78	170
Total	849	641	1,490

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
DEPORTATION OF NEW ZEALAND CITIZENS

Lead Division

Contact: FAS Justine Jones

Division: Status Resolution and Visa Cancellation

Division

Date first prepared: 08 July 2022

Originating Source: (MO/HA)

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Date last Updated: 2/03/2023 - 3:42 PM

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PDR No. QB22-000184

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

RESOLVING LEGACY TEMPORARY VISA CASES

QUESTION: When will the Government announce changes to the Temporary Visa Program

KEY TALKING POINTS:

- The Australian Government operates a generous Humanitarian Program and our policy on combatting people smuggling remains unchanged.
- Persons who travel to Australia by boat will not settle permanently here.
- The Government is considering options to give effect to election commitments regarding Temporary Protection Visas (TPV) and Safe Haven Enterprise Visas (SHEV).

TPV and SHEV applicants and holders

- The Government has made a commitment to transition holders of Temporary Protection Visas (TPV) and Safe Haven Enterprise Visas (SHEV) onto permanent visa pathways.
 - The Government intends to meet this commitment as soon as possible, noting that the resolution of these visa holders needs to be carefully managed.
- Until any changes are made visa holders must continue to engage with the Department of Home Affairs, to ensure TPV and SHEV holders continue to have access to work and study rights and benefits such as Medicare and Centrelink payments.
 - TPV and SHEV holders must apply for a subsequent TPV or SHEV before their current visa expires.
 - TPV or SHEV holders who do not apply before their visa expires will become unlawful.

If asked: what will happen to TPV and SHEV applicants who are found not to be owed protection obligations?

- Non-citizens who are found to not engage Australia's protection obligations and have exhausted all avenues to remain in Australia are expected to depart.
 - Unlawful non-citizens who are unwilling to depart voluntarily may be subject to immigration detention and removal from Australia.
- Australia does not return individuals to situations where they face persecution or a real risk of torture, cruel, inhuman or degrading treatment or punishment, arbitrary deprivation of life or the application of the death penalty.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
RESOLVING LEGACY TEMPORARY VISA CASES

BACKGROUND AND CHRONOLOGY

As of 24 November 2022, there were 31,132 Unauthorised Maritime Arrivals (UMAs) (including over 2,000 children born in Australia) who have been subject to the current temporary protection framework. Of these UMAs:

- 18,670 people hold a TPV or SHEV.
- 1,546 people have an initial TPV/SHEV application on hand with the Department.
- 672 people are undergoing merits review of an initial TPV/SHEV application.
- 7,730 people in Australia require other status resolution – including those whose TPV/SHEV had expired, been cancelled, are seeking judicial review, or who have no ongoing immigration matters.
- 2,514 people have their cases resolved. The majority of whom have departed Australia (2,134 people), but also includes those who have acquired Australian citizenship, another visa, or deceased.
- A further 22 people were invited to engage in the TPV/SHEV process but have not lodged an application.

Current TPV and SHEV settings

Individuals who seek Australia's protection, and are found to engage Australia's non-refoulement (non return) obligations, may be granted protection. They must also satisfy the relevant visa criteria, which includes health, character and security requirements. Each case is assessed on its individual merits, using the most current and relevant country information.

Unlawful arrivals from the legacy caseload are only eligible for temporary protection if they are found to engage Australia's protection obligations, that is, either a TPV or SHEV. A TPV is valid for three years and enables the holder to work, study and reside anywhere in Australia, with access to support services. After three years, TPV holders protection claims must be reassessed to determine their eligibility for grant of a subsequent TPV.

A SHEV is valid for five years and can be granted to eligible applicants who intend to work or study in a regional area. SHEV holders who meet certain conditions are eligible to apply for other visas, including prescribed permanent visas.

Lead Division
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Originating Source: Minister for Home Affairs

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Action Officer: S. 22(1)(a)(ii)
Date last Updated: 2/03/2023 - 3:42 PM

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ABF
QUESTION TIME BRIEF (QTB)
DEATH IN DETENTION

KEY TALKING POINTS

- The Department of Home Affairs and the Australian Border Force (ABF) takes all reasonable steps to provide a safe environment to prevent injury and death in immigration detention facilities.
- When a death in the immigration detention network (IDN) occurs, the Department and ABF commence immediate notifications to relevant jurisdictional authorities such as emergency services, police, and coroner, and Commonwealth authorities such as Comcare and the Office of the Commonwealth Ombudsman.
- The Department and ABF fully cooperate with Comcare, coronial investigations and inquiries, and carefully consider any recommendations arising from these processes.
- Within the IDN, the ABF works with the Detention Health Service Provider and the Facilities and Detainee Service Provider to ensure additional mental health and welfare support is made available to detainees. This can be at the facility of the death and can extend to the broader IDN.

Recent death of a detainee:

- On 16 June 2022, a male detainee at Yongah Hill Immigration Detention Centre, Western Australia, died in hospital.
- The matter was referred for investigation to the appropriate agencies, including Western Australia Police Force (WAPF) and Australian Federal Police.
- On 23 June 2022, WAPF confirmed they had charged a 29-year-old man with murder in relation to this incident.
- As this matter is before the court, it would not be appropriate to comment further.

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ABF
QUESTION TIME BRIEF (QTB)
DEATH IN DETENTION

BACKGROUND

- As at 28 November 2022, since 1 July 2010, there have been 43 deaths in immigration detention (held detention only).

Financial year	Deaths in held detention
2010-11	6
2011-12	<5
2012-13	5
2013-14	<5
2014-15	<5
2015-16	5
2016-17	<5
2017-18	<5
2018-19	5
2019-20	<5
2020-21	<5
2021-22	<5
2022-23 (YTD)	0

If asked: What mental health services are available for detainees?

- The Detention Health Service Provider is responsible for health care and mental health support services which are delivered by general practitioners, mental health nurses, psychologists, counsellors and psychiatrists, including those specialising in torture and trauma counselling services (on a visiting basis, or through the use of telehealth facilities or external appointments).
- All detainees are offered a mental health screening within 72 hours of arriving in immigration detention followed by regular mental health assessments performed at 6, 12 and 18 months, and at three monthly intervals thereafter, or as required. Detainees are invited to undertake an independent psychiatrist assessment if they have been detained for more than 18 months.
- Additional mental health support is made available to detainees in certain situations such as when a death occurs. This can be at the facility of the death and can extend to the broader IDN.

Lead Division
 Contact: s. 22(1)(a)(ii) Commander, National
 Detention Operations
 Division: North and Detention Command

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Date last Updated: 28 November 2022

Date first prepared: 11 July 2022
 Originating Source: MO

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
MIGRANT WORKER EXPLOITATION

KEY TALKING POINTS:

- The Government is committed to stepping up action to combat migrant worker exploitation.
- As announced at the Jobs and Skills Summit, the Government intends to bring forward a package of measures to combat migrant worker exploitation, commencing in 2023.
- The national workplace relations system applies to all workers in Australia, regardless of their immigration status but more work is needed to protect vulnerable migrant workers from wage theft and all forms of exploitative practices.
 - A priority for this government is to implement the recommendations of the Migrant Workers' Taskforce, including through legislation that addresses the behaviour of unscrupulous employers who use the migrant status of workers to exploit them in the workplace.
 - We are also committed to ensuring our visa and migration system provides adequate safeguards and pathways to permanence for workers who are contributing to our economy through skills and taxes, ensuring that vulnerable people are not left 'permanently temporary'.
 - The Government is consulting with community and industry to develop these measures.
- At the same time, we are committed to improving workplace standards through increased compliance activities.

If asked: Media reporting on the misuse of the migration system to enable foreign-worker exploitation

- I am aware of a series of allegations detailing abuse of Australia's visa and migration system to facilitate sexual exploitation, human trafficking and other organised crime.
- The Government's immediate response has focused on the individual elements of the conduct under investigation.
- Work is also already being progressed on a package of reforms to address migrant worker exploitation as announced at the Jobs and Skills Summit.

If asked: Amnesty for regularisation of status of unlawful non-citizens

- I am aware that some stakeholder groups have called for an amnesty for undocumented workers. I am also aware that undocumented workers may be more

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MIGRANT WORKER EXPLOITATION

vulnerable to exploitation because of their precarious immigration status.

- Any consideration of potential mechanisms to regularise the status of unlawful non-citizens would need to maintain the integrity of Australia's visa programs and the substantial efforts to encourage both employers and non-citizens to adhere to Australian laws.
- Such integrity concerns would need to be fully examined in the context of any future considerations to offer an amnesty.

If asked: Collaborative efforts led by the portfolio

- The Department of Home Affairs, Australian Border Force (ABF) and the Fair Work Ombudsman (FWO) work collaboratively to educate migrant workers and employers about their rights and responsibilities.
- I will be looking closely at these arrangements to ensure we make the most of this collaborative effort to tackle this issue.
- At the same time we want to ensure migrant workers are able to report exploitation without fearing visa cancellation and removal from Australia.

If asked: Exploitation of Working Holiday Makers

- The Government is currently working to establish appropriate procedures for the implementation of measures to enhance the safety and welfare of working holiday makers. This includes enhanced communication channels to allow visa holders to easily check the status of their employer.

If asked: Exploitation of the Pacific Australia Labour Mobility (PALM) scheme

- Employers must provide a safe workplace and pay the right wages as set by law. Those who do the wrong thing will not be able to access workers through this program.

BACKGROUND

Jobs and Skills Summit Announcement

- At the Jobs and Skills Summit, the Government announced a commitment to bring forward a package of measures to combat migrant worker exploitation, commencing in 2023.
 - o The Department of Home Affairs will be leading this work in consultation with stakeholders, relevant agencies and Ministers.

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MIGRANT WORKER EXPLOITATION

- o Options will be developed taking into account feedback from the Jobs and Skills Summit and further consultations led by the Department, which will commence shortly.

Enforcement

- The ABF works collaboratively with Commonwealth, state and territory law enforcement partners, and engages with industry stakeholders to address the exploitation of migrant workers.
 - o ABF enforcement efforts include **Operation BATTENRUN** (targeting unscrupulous labour hire intermediaries and complicit entities suspected of foreign worker exploitation) and **Operation HURDLER** (focusing on facilitators and complicit businesses targeting and exploiting seasonal workers to work illegally or in breach of their visa conditions).
 - o The ABF also publishes details of employers who breach sponsorship obligations to deter unscrupulous practices, and assist visa holders to make more informed decisions about potential employers.
 - As at 31 August 2022, there were 1,348 employer sponsors listed on the ABF's register of sanctioned sponsors.

Assurance Protocol

- The Assurance Protocol was implemented between the Department and the FWO in February 2017, as an initiative of the Migrant Workers' Taskforce.
 - o Under the Assurance Protocol, if temporary visa holders with work rights have breached their work-related visa conditions, but they have reported exploitation, the Department will not cancel their visa – providing they commit to abide by visa conditions in the future, and there are no other grounds for visa cancellation such as national security, character, health or fraud.
 - As at 31 August 2022, 77 migrant workers have been referred under the Assurance Protocol (since its commencement in February 2017) and none of the referrals resulted in visa cancellation.

Human trafficking and modern slavery

- All suspected cases of human trafficking, slavery, and other forms of criminal exploitation are referred to the Australian Federal Police (AFP) under an established referral protocol.

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MIGRANT WORKER EXPLOITATION

- In the 2021-22 program year, the Department (including ABF) referred 33 suspected cases of human trafficking and modern slavery to the AFP for investigation under the referral protocol. For the program year 2022-23, as at 31 August 2022, the Department referred nine suspected cases of human trafficking and modern slavery to the AFP for investigation under the referral protocol.

Working Holiday Makers

- In July 2021, the Migration Regulations were amended to enhance the safety and welfare of working holiday makers in Australia by discouraging them from working for employers with a track record of misconduct.
- The Regulations exclude work undertaken for specified businesses – to be listed on a legislative instrument – from counting towards eligibility for a second or third working holiday maker visa. The exclusion will only apply to work undertaken after the business is listed on the legislative instrument.

Table 1: Operation BATTENRUN enforcement activities

Operation BATTENRUN Activity/Outcome	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023 to 31 Aug 2022	Total
Field Activities	95	842	374	101	37	1,449
S251 Warrants executed	7	72	17	11	0	107
Non-warrant visits	0	90	26	<5	<5	122
Employer Education and Awareness activities	<5	102	124	69	31	328

Table 2: Operation HURDLER enforcement activities

Operation HURDLER Activity/Outcome	2021/2022	2022/2023 to 31 Aug 2022	Total
Field Activities	92	<5	94
s251 Warrants executed	<5	0	<5
Non-Warrant visits	16	<5	19
Employer Education and Awareness Activities	66	0	66
Illegal Worker Warning Notices issued (IWWN)	14	0	14
Infringement Notices served	<5	<5	<5

Table 3: Historical ABF Migrant Worker enforcement activities

Sponsor Monitoring Activity/Outcome	2018/19	2019/20	2020/21	2021/22	2022/23 to 31 Aug 2022
Active sponsors	29,350	25,074	19,994	18,684	18,481
Sponsors monitored (cases on hand)	246	271	215	175	181
Site visits conducted	515	274	169	112	112

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MIGRANT WORKER EXPLOITATION

Sponsor Monitoring Activity/Outcome	2018/19	2019/20	2020/21	2021/22	2022/23 to 31 Aug 2022
Breach notice issued	785	524	490	326	75
Warning letters issued	49	56	54	36	7
Sponsors sanctioned	686	428	404	295	76
Infringement notices issued	28	38	27	21	<5
Total infringement notices (AUD)	\$292,320	\$356,580	\$390,420	\$406,512	\$6,660

Field Operations Activity/Outcome	2018/19	2019/20	2020/21	2021/22	2022/23 to 31 Aug 2022
Non-voluntary location events*	2,886	2,239	1,825	1,611	295
Employer awareness activities	1,095	663	829	546	67
Section 251 warrants	173	117	89	53	6
Section 487ZC warrants	27	9	5	<5	0
Illegal Worker Warning Notices issued	315	188	152	81	23
Infringement notices issued	12	10	19	15	5
Value of Infringement notices	\$179,550	\$232,470	\$525,096	\$105,894	\$49,941

Figures were extracted from departmental systems in September 2022. As data has been drawn from a dynamic source, any historical figures provided may differ slightly in previous or future reporting.

* Non-voluntary: where the person has been located in a field operation or by the police. Some non-citizens may have been located more than once in any given program year. Each location event is counted.

* Holistic view of all location events involving illegal workers.

N/A – either the framework was not yet in force or the statistics are unavailable.

Lead Division

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 Date first prepared: 12 July 2022
 Originating Source: Home Affairs

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 Date last updated: 2/03/2023 - 3:43 PM

Contributing Division/s

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 National Planning and Targeting Branch
 Division: Operational Coordination and Planning
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 Date last updated: 12 July 2022

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Phone: S. 22(1)(a)(ii)
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 Date first prepared: 13 July 2022

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
MIGRATION PROGRAM

QUESTION: What are the Government's policy settings for the 2022-23 permanent Migration Program?

KEY TALKING POINTS:

- The Government has increased the 2022-23 permanent Migration Program (Migration Program) to 195,000 visa places, to help ease widespread, critical workforce shortages where the skilling of Australians is not yet able to keep pace with industry demands.
- As a one-off injection, the Government has allocated \$36.1 million in 2022-23 to allow the Department of Home Affairs (the Department) to target, recruit and train an additional 500 staff to increase its processing capacity and to support delivery of a larger Migration Program.
- The Jobs and Skills Summit, held 1 – 2 September 2022, provided a critical opportunity to work with business, industry and unions to build momentum and broad support for action to address skill and labour shortages, including through migration.
 - The Government is actively progressing priority consultation on outcomes from the Summit.
- To ease the industry-wide workforce and skill shortages across Australia and support our economic recovery from COVID-19, the Migration Program will:
 - increase the planning ceiling to 195,000 places in 2022-23, from 160,000 in 2021-22;
 - have a strong focus on attracting offshore skilled migrants, to help ease widespread, critical workforce shortages where the skilling of Australians is not yet able to keep pace with industry demands;
 - complement and not replace our domestic labour force or take away re-skilling and upskilling opportunities for Australians.
- A larger Migration Program will give more migrants the certainty of permanency, a key commitment made by the Government to ensure no migrant is permanently temporary.
 - This will encourage migrants to integrate into the Australian community from their arrival, including making personal investments into skills, human capital and social connections.

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MIGRATION PROGRAM

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If asked: how will the Government deliver a larger Migration Program in the context of ongoing visa processing backlogs?

- Reducing the visa applications backlog is an urgent priority for the Australian Government. The Department is managing strong growth in new applications while simultaneously increasing visa processing capacity (QB22-000159 refers).
- To enhance the delivery of a permanent Migration Program ceiling of 195,000 visa places without compromising ongoing efforts to reduce visa backlogs across all visa caseloads, the Government has provided additional funding of \$36.1 million in 2022-23, as a one-off injection, to allow the Department to target, recruit and train staff to increase its processing capacity.
 - This will cover 500 additional visa processing staff, as well as staff that support related functions such as health and character checks.

If asked: what outcomes will be delivered following the Jobs and Skills Summit

- The Jobs and Skills Summit on 1-2 September 2022 brought together Australians, including unions, employers, civil society and governments, to address our shared economic challenges. The Summit and subsequent Employment White Paper will focus on:
 - keeping unemployment low, boosting productivity and incomes;
 - delivering secure, well-paid jobs and strong, sustainable wages growth;
 - expanding employment opportunities for all Australians, including the most disadvantaged;
 - addressing skills shortages and getting our skills mix right over the long term;
 - improving migration settings to support higher productivity and wages;
 - maximising jobs and opportunities from renewable energy, tackling climate change, the digital economy, the care economy and a Future Made in Australia; and
 - ensuring women have equal opportunities and equal pay.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
MIGRATION PROGRAM

If asked: What outcomes will be delivered through the Review of Australia's Migration Program and the accompanying Strategy?

- The review, supported by a taskforce within the Department of Home Affairs, will be informed by research and analysis and extensive consultations across Government and with unions, industry, business, academia and civil society, migrant communities, state and territory governments, as well as with like-minded partners internationally.
- The Strategy will also identify the reforms needed to create a simple, efficient migration system that can enrich the economy with a focus on productivity growth, help build Australia's sovereign capabilities, address challenges associated with our aging population, climate change and new technology, and foster strong international relations.
- The Strategy will include recommendations for reform to the migration system, including linkages with other parts of Government. The Terms of Reference and a discussion paper seeking public submissions are on the Department of Home Affairs website.

If asked: How were the eminent persons who will lead the Review selected?

- A list of more than 40 distinguished individuals with expertise and experience in public policy, business, and migration reflecting gender diversity was provided to the Minister for Home Affairs for consideration. On 7 December 2022 the Prime Minister appointed three eminent Australians to lead the review of Australia's Migration System.
 - Dr Martin Parkinson AC PSM, a senior Australian public servant and the Chancellor of Macquarie University. Dr Parkinson has previously served as the Secretary of the Department of Prime Minister and Cabinet, Secretary to the Treasury, inaugural Secretary of the Department of Climate Change and an International Monetary Fund official.
 - Dr Joanna Howe, an Associate Professor in Law at the University of Adelaide and a consultant with Harmers Workplace Lawyers. Dr Howe is a leading expert on the legal regulation of temporary labour migration.
 - Mr John Azarias, a former senior partner at Deloitte in Sydney and has carried out reviews commissioned by the Commonwealth Government in the areas of

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MIGRATION PROGRAM

Defence, Immigration, Foreign Affairs and Trade, and Agriculture, as well as a review of the Board of Treasurers (BoT) for State and Territory Treasurers.

If asked: what other migration related outcomes from the Jobs and Skill Summit are being progressed?

- As outcomes of the Jobs and Skills Summit, the Government will progress further migration related work to:
 - assess the effectiveness of the skilled migration occupation lists;
 - expand pathways to permanent residency for temporary skilled sponsored workers;
 - raise the Temporary Skilled Migration Income Threshold (TSMIT) following broad engagement on equitably setting the threshold and determining a pathway for adjustment;
 - reform the current labour market testing process following consultation with unions and business;
 - bring forward a package of reforms to address migration worker exploitation during 2023;
 - examine the potential for industry sponsorship of skilled migrants;
 - embed a role for Jobs and Skills Australia to analyse skill shortages when determining priorities for the skilled migration program; and
 - consider policies to address regional labour shortages and how to improve small business access to skilled migration.

If asked: How is the Government managing Afghan Partner and Family visa applications?

- The Department has established a specialised Middle East Onshore Complex team to progress outstanding Partner and Family visa applications, mainly from Afghan applicants.
 - By the end of Program Year 2021-22, over 1,700 Afghan Partner (first stage) and Family visas had been granted, including applications lodged as far back as 2012-13.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
MIGRATION PROGRAM

- o The Department is working towards granting around 5,000 Partner and Family visas over the next four years.
- I have made it clear to the Department that I expect a targeted and consistent approach to continue to be taken to this caseload.
- Ministerial Direction 80 sets out the priority for considering and finalising Family visa applications and provides the lowest processing priority for Family stream visa applications where the sponsor is a permanent resident who entered Australia as an Unauthorised Maritime Arrival.
 - o While Direction 80 remains in place, due to the lower number of on hand Partner visa applications and the overarching priority to reduce visa backlogs, all Direction 80 impacted applications are currently being processed.

Lead Division

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Originating Source: Home Affairs

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Date last Updated: 2/03/2023 - 3:43 PM

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
KEY IMMIGRATION STATISTICS

QUESTION: What are some key immigration statistics?

KEY TALKING POINTS:

- In 2021-22, the Department of Home Affairs received over 3.1 million temporary and migration visa applications.
 - o This was a 121 percent increase from the previous year (just over 1.4 million in 2020-21).
 - o The Department finalised over 2.8 million temporary and migration applications which was a 103 percent increase from the previous year (just over 1.4 million in 2020-21).
 - o Application volumes were 68 per cent lower compared to pre-COVID (over 9.6 million temporary and migration applications lodged in 2018-19).
 - o Australia's borders were closed to most international travellers for the first 5 months of 2021-22.
- In addition to finalising visa applications, the Department finalised nearly 1.2 million travel exemption requests between 2020 and 30 June 2022.
- Processing times in some visa programs are longer than pre-COVID. The Government is committed to reducing backlogs and processing on-hand visa applications.

Note: QB22-000159 'Visa Backlogs' provides statistics on temporary and migration visa activity from 1 June 2022, and the work of the Department of Home Affairs to reduce on-hand visa applications.

If asked:

What is the Department of Home Affairs doing to reduce the number of on-hand visa applications?

- The Government acknowledges the importance of immigration and visitors in addressing current labour shortages and stimulating economic activity.
- To increase capacity and output, the Department has:
 - o added 309 new staff to support temporary and migration visa processing between 1 May 2022 and 31 October 2022,
 - o conducted rolling recruitment and training activities to fill the extra 500 staff to support visa processing, as announced at the Jobs and Skills Summit. As at the end of October 2022, around 30 per cent of these positions have been filled.

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
KEY IMMIGRATION STATISTICS

- Ongoing recruitment exercises will now see a steady increase of staff commencements, especially in roles supporting the delivery of the Migration Program, between November 2022 and February 2023.
- Other measures to reduce the number of on-hand visa applications include:
 - prioritising key **offshore** caseloads - temporary skilled, student and visitor - so more people can enter Australia more quickly and contribute to the economy.
 - reviewing risk profiles and policy settings, streamlining assessment processes and enhancing system settings to grant more visas quickly while maintaining scrutiny of high risk cases.

BACKGROUND AND CHRONOLOGY

Key data relating to the migration and temporary visa programs is below.

Attachment A provides historical data for the last 10 years as a further point of comparison. Current visa processing times is covered in QB22-000159 'Visa Backlogs'.

Attachment B includes supporting data containing key figures on visa processing, as at 18 November 2022.

Migration Program Outcomes¹

Visa category	2017-18 Outcome	2018-19 Outcome	2019-20 Outcome	2020-21 Outcome	2021-22 Outcome
Skilled	111,099	109,713	95,843	79,620	89,063
Family	47,732	47,247	41,961	77,372	51,288
Child	3,350	3,248	2,481	3,006	3,006
Special Eligibility	236	115	81	54	199
Permanent visa total	162,417	160,323	140,366	160,052	143,556

¹ Some permanent visas granted during a program year may not count as a Migration Program Outcome.

Temporary Visa Program

Visa category	2020-21 Granted	2021-22 Granted	2022-23 Granted at 31 October 2022	Visa holders in Australia at 30 June 2021	Visa holders in Australia at 30 June 2022	Visa holders in Australia at 31 October 2022
Skilled (Temporary)	43,195	61,987	37,960	99,029	94,573	111,043
Student	232,750	263,737	127,376	374,056	357,919	424,793
Visitor	167,576	1,131,890	1,193,810	40,810	219,607	299,344
Working Holiday Maker	39,586	97,359	74,988	36,526	40,912	86,899
Other temporary	510,601	741,854	692,861	1,119,951	1,195,628	1,268,977
Temporary visa total	993,708	2,296,827	2,126,995	1,670,372	1,908,639	2,191,056

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
KEY IMMIGRATION STATISTICS

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Date last Updated: 27 November 2022

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HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

PRIORITY MIGRATION SKILLED OCCUPATION LIST (PMSOL)**QUESTION: Why was the PMSOL removed?****KEY TALKING POINTS:**

- The Priority Migration Skilled Occupation List (PMSOL) was an initiative from the previous Government to prioritise visa processing for people in particular occupations through employer sponsored visa programs.
- The PMSOL was introduced on 2 September 2020 by the previous Government.
- The PMSOL consisted of occupations already on the Skilled Migration Occupation Lists (SMOL). Its removal does not change the composition of SMOL.
- The PMSOL was a time-consuming and complex assessment which was only necessary because of the backlog of applications that had built up while travel restrictions were in place
- The PMSOL was out-dated – recent National Skills Commission labour market analysis has shown that almost a quarter of occupations on the PMSOL are not in shortage.
- The new Ministerial Direction introduced on 28 October 2022 reduces complexity and allows the Department of Home Affairs to process more skilled applications faster.
- The new Ministerial Direction builds on work to clear visa backlogs.
- We have finalised over 43,000 temporary skilled and 47,000 permanent skilled visa applications since 1 June 2022.
- Temporary skilled visa grants in 2022-23 are up 120% compared to the same time last year.
- These delivery numbers have only been possible because there are 260 more staff working on visa processing than there were at the start of May.

If asked: Does the removal of critical sectors and the PMSOL negatively impact sectors who had occupations on it, such as hospitality, IT and engineering?

- Removal of the PMSOL simplifies processing directions and enables greater efficiency across the caseload.
- Due to improvements in processing times over recent months, these occupations will still be processed efficiently.
- Sectors that had occupations on the PMSOL also had numerous occupations that weren't on the PMSOL. These occupations will now be able to be processed faster resulting in a better service overall.

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

PRIORITY MIGRATION SKILLED OCCUPATION LIST (PMSOL)

- We have finalised over 43,000 temporary skilled and 47,000 permanent skilled visa applications since 1 June 2022.
- Temporary skilled visa grants in 2022-23 are up 120% compared to the same time last year.
- The decision-making process to determine eligibility for critical sectors was an ambiguous and complex arrangement that required time-consuming manual assessment.
- As a result of this complexity, departmental resources were also occupied with responding to requests to be prioritised within critical sectors. For example, a gardener providing maintenance for an Aged Care facility claiming eligibility under the Aged Care sector. This diverted resources from the processing of visas.
- The Department was also receiving over 300 complaints per month across the temporary and permanent skilled caseloads seeking a positive outcome for occupations which had not been prioritised. Resolving these requests added 45 minutes to each impacted visa application which is time which can now be spent on visa processing.

If question is about the IT and cyber sector:

- There are more than 30 IT and cyber related occupations available for skilled migration. Only five of these were available on the PMSOL. All IT occupations will see an improvement in their visa processing times.
- From 1 July to 30 September 2022, there has been 4,095 temporary skilled visas granted to IT professionals.
- The number of applications on-hand for this sector has also decreased 32 per cent in this period.
- This includes 119 ICT Security Specialists, with a decrease to only 32 on hand applications.
- IT Business and Systems Analyst is the biggest single occupational group for temporary visas granted in this period (2,960) across all sectors, followed by Medical Practitioners (1,066).

If question is about engineering and impact on housing supply:

- Of the 42 occupations available for skilled migration with 'Engineer' in the title, only nine were on the PMSOL.
- From 1 July to 30 September 2022, there has been 1,682 temporary skilled visa grants to engineers.
- The number of applications on hand for this sector has also decreased 17 per cent in this period.

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

PRIORITY MIGRATION SKILLED OCCUPATION LIST (PMSOL)

- Other occupations crucial for increasing capacity to build houses, such as Plumber, Electrician and Carpenter were never on the PMSOL and will experience improvements in processing times.

If question is about the hospitality sector

- While Chef was on the PMSOL, other important roles in the hospitality sector such as Cook and Restaurant and Café Manger were not, and never received priority processing.
- From 1 July to 30 September 2022, there has been 1,297 temporary skilled visa grants to workers in hospitality.
- The number of applications on hand for this sector has also decreased 20 per cent in this period.

BACKGROUND AND CHRONOLOGY

- Updates to the PMSOL were published on the department's website and in addition, are communicated to the public through industry peak bodies and migration agents. PMSOL updates are as follows, (a full list is at Attachment A):
 - On 2 September 2020 (commencement), 17 occupations were announced.
 - Following this, the PMSOL was updated on 27 November 2020 and 11 May 2021 to include an additional occupation on each occasion, and on 22 June 2021 to include an additional 22 occupations.
 - On 27 July 2021, 3 occupations were added, to support the pharmacy program for the provision of COVID-19 vaccines, and included Hospital Pharmacist, Retail Pharmacist and Industrial Pharmacist providing the current PMSOL total of 44 occupations.
 - On 28 October 2022, Ministerial Direction 100 commenced which removed the PMSOL from processing directions. A QTB on Ministerial Direction 100 is at QB22-000265.

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Division: Immigration Programs
Date first prepared: 11 July 2022
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Date last Updated: 03/11/2022 2.40pm

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ABF
QUESTION TIME BRIEF (QTB)
IMMIGRATION DETENTION

KEY TALKING POINTS

s. 47E(d), s. 47F(1)

- Decisions about the most appropriate immigration detention accommodation are determined on a case-by-case basis and involve consideration of medical needs and the safety and security of detainees, service providers, visitors and staff.
- APODs may include aged care facilities, hotel/motel style accommodation, hospitals or inpatient mental health facilities.
- The Department has a framework of regular reviews, escalations and referral points to ensure people are managed in the most appropriate placement (detention or community) to manage their health, welfare, and the resolution of their immigration status.
- The Department regularly reviews the cases of non-citizens in held immigration detention to ensure that detention remains lawful and appropriate, and to mitigate against the risks of prolonged detention.
- It remains open to individuals who have been found not to engage Australia's protection obligations to end their detention by departing Australia voluntarily.

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ABF
QUESTION TIME BRIEF (QTB)
IMMIGRATION DETENTION

Lead Division

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Date first prepared: 11 July 2022

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Chief Superintendent

Date last Updated: 01 December 2022

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
OFFSHORE HUMANITARIAN PROGRAM

QUESTION: How is the Government supporting refugees outside Australia through the Humanitarian Program?

KEY TALKING POINTS

- Since the end of World War II, Australia has successfully settled more than 930,000 refugees and others in humanitarian need, recognising the valuable contribution that refugees have provided, and continue to provide, to Australian society, culture and prosperity.
- This Government is committed to generous and flexible Humanitarian and Settlement Programs that meet Australia's international protection obligations and position Australia as a global leader in international resettlement efforts.
- A total of 17,875 places in the 2022–23 Humanitarian Program will ensure we can provide permanent resettlement to those most in need, and provide appropriate support for the travel and resettlement of refugees and others requiring Australia's protection. The Program comprises:
 - 1,500 places for the onshore protection component;
 - 12,250 places for the offshore component, including 1,400 places for the Community Support Program (CSP); and
 - 4,125 additional places for Afghan nationals.
- The Government aspires to progressively increase Australia's humanitarian intake.
- The world is experiencing its greatest humanitarian need since World War II.
 - The Australian Government is committed to a Humanitarian Program that can respond to international humanitarian crises as they arise, and to provide appropriate support for the travel and resettlement of refugees and others requiring Australia's protection.
- To ensure Australia continues to play its part, the Government will work closely with the community and stakeholders as we deliver Australia's humanitarian intake.

For questions on the response to Ukraine crisis please refer to. QB22-000221

For questions on the response to Afghanistan crisis please refer to QB22-000242

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
OFFSHORE HUMANITARIAN PROGRAM

Humanitarian Program delivery:

- The Humanitarian Program was set at a ceiling of 13,750 places for 2021-22.
 - Approximately 97 per cent of the Humanitarian Program ceiling allocation for 2021-22 was delivered comprising of
 - 11,545 offshore visas, and
 - 1762 Protection visas.
- The Humanitarian Program for 2022-23 has also been set at 13,750. An additional 4,125 places have been allocated for Afghan nationals.
 - As at 25 November 2022, 6329 visas had been granted as part of the 2022-23 Humanitarian Program, comprising
 - 5493 offshore visas, and
 - 836 Protection visas.

Class XB visa holders offshore awaiting resettlement due to previous COVID-19 border response:

- As at 25 November 2022, there were approximately 3500 Refugee and Humanitarian visa holders offshore who were granted visas between 1 July 2019 and 15 December 2021 and are yet to travel to Australia.
 - Until 15 December 2021, COVID-19 border response measures prevented Offshore Humanitarian visa holders, who had not yet travelled to Australia, from entering Australia, unless they were granted a travel exemption on compelling and compassionate grounds.
- The Department continues to work with its state and territory counterparts and settlement providers to plan and facilitate a staggered increase in humanitarian arrivals of those visa holders who are offshore.

Key Statistics

Average processing times (in weeks) of granted Offshore Humanitarian cases, 2017–18 to 2022–23 (as at 25 November 2022)

Subclass	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23
Refugee (subclass 200)	65.4	56.6	55.4	76.0	76.4	96.4
In-country Special Humanitarian (subclass 201)	36.3	53.2	44.1	58.0	10.7	12.3
Global Special Humanitarian (subclass 202)	86.2	79.7	69.5	103.4	130.6	135.1
Emergency Rescue (subclass 203)	2.0	2.0	5.4	5.6	25.1	16.9
Woman At Risk (subclass 204)	51.7	64.6	45.5	73.5	86.7	82.7
Total	72.7	68.0	59.7	87.8	74.1	67.0

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
OFFSHORE HUMANITARIAN PROGRAM

2022-23 Offshore Humanitarian Program Delivery (as at 25 November 2022)

Subclass	Onhand Applicants ¹ (Registered and acknowledged)	Grants
Refugee (subclass 200)	15,361	1,177
In-country Special Humanitarian (subclass 201)	117,931	2,510
Global Special Humanitarian (subclass 202)	56,387	1,562
Emergency Rescue (subclass 203)	218	27
Woman At Risk (subclass 204)	1,739	217
Total	191,636	5,493

¹ In addition (as at 25 November 2022) there were approximately 8800 applications (an estimate of 39,900 applicants*) lodged by Afghans and Non-Afghans still to be registered and acknowledged in departmental systems.

**Unregistered applications have been estimated to include an average of 4.5 people per applications. These numbers remain subject to confirmation of application validity and numbers of applicants.*

Lead Division

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Date last Updated: 2/03/2023 - 3:47 PM

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
CITIZENSHIP PROGRAM

Document 11

QUESTION: What is the Government doing to improve Citizenship Program processing outcomes?

KEY TALKING POINTS:

- The Government's priority is to clear citizenship on-hand caseloads, and to resolve long-standing citizenship applications. The Government is committed to ensuring the efficient processing of citizenship applications and reducing the current processing time to around a year.
- More than 167,000 people (167,232) acquired Australian citizenship by conferral in 2021-22, up from 140,748 in 2020-21.
- The number of on-hand conferral applications has continued to decrease this year as the Citizenship Program continues to reduce the backlog caused by COVID-19 disruptions to in-person services.
- As at 31 October 2022, the number of on-hand applications was 106,128, a 26 per cent decrease on the 142,780 applications on-hand at 31 October 2021, and a 35 per cent decrease on the peak of 163,874 on-hand conferral applications on 30 September 2020 due to COVID-19 restrictions.
- The Department continues to focus on reducing processing times by increasing citizenship test availability, and by encouraging local government councils to increase the size and frequency of citizenship ceremonies.

If asked: What is Home Affairs doing to reduce processing times?

- The Department has focussed on increasing appointment availability in areas most impacted by COVID-19 lockdowns, such as Melbourne (closed 56 weeks) and Sydney (closed 42 weeks), as well as in Services Australia sites in regional areas.
 - o In **October** 2022, the average number of appointments offered across Melbourne and Sydney was more than double the number of applications received requiring an appointment.
 - o Since December 2021, the Department has worked with Services Australia to surge test appointment availability in regional Australia. To support demand, up to 90 per cent more test appointments per week were made available in regional Australia compared to the pre-COVID-19 period. The number of Services Australia sites has also increased to 41, providing access to test appointments in every State and Territory.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
CITIZENSHIP PROGRAM

- o Since December 2021, citizenship interview and test appointments have been available in all testing locations across Australia.
- o More recently, flooding in Victoria in October 2022 resulted in the rescheduling of four days of appointments at the Services Australia office in Shepparton.

· The Government is aware that some applicants, including Afghan nationals, have experienced significant delays in receiving a decision on their citizenship applications and that these delays have impacts on applicants and their families. The Department has implemented processes to reduce the number of long-standing citizenship applications on-hand.

- o Over 800 (801) applications which had been on-hand for over five years were finalised from 1 July 2022 to 31 October 2022 (including 405 applications from Afghan nationals).
- o The total number of applications on-hand for over five years has reduced from 3,205 (as at 30 June 2022) to 2,865 as at 31 October 2022, representing 2.7 per cent of the overall on-hand caseload (106,128).

If asked: What is Home Affairs doing to reduce citizenship ceremony waiting times?

- With the easing of COVID-19 restrictions, the Department is encouraging local government councils to increase the number and size of in-person ceremonies they host, and can provide data to support planning.
- As at 31 October 2022, more than 90 per cent (92 per cent) of approved applicants had, to date, been waiting less than six months to attend a ceremony.
- The Department also developed guidance to support councils hosting online ceremonies when required by COVID-19 lockdowns and restrictions. In 2021-22, 165,368 people acquired citizenship at a ceremony (120,345 in person, 45,023 online).

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
CITIZENSHIP PROGRAM

Document 11

If asked: Will the Government reinstate the authority of Yarra and Darebin Councils to hold ceremonies?

- I am aware that the authority to hold citizenship ceremonies was withdrawn for the City of Yarra and Darebin City Councils in 2017.
- It is open to the Government to consider reinstating the authority for the City of Yarra and Darebin City Councils to preside over Australian citizenship ceremonies.

If asked: What amendments are required to the citizenship test and citizenship ceremonies code with the passing of Her Majesty Queen Elizabeth II?

- Following the passing of Her Majesty Queen Elizabeth II on 8 September 2022, the Department ensured local government councils were aware of the *National Mourning Guidelines* set by the Department of the Prime Minister and Cabinet when holding citizenship ceremonies.
- The Department is also updating content in the Australian citizenship test resource booklet, *Australian Citizenship: Our Common Bond* and the *Australian Citizenship Ceremonies Code* to reflect His Majesty King Charles III as Australia's new Head of State. The updated content will be published on the Department's website.
- The Department of the Prime Minister and Cabinet has advised that the Australian Government is awaiting the release of an official portrait of His Majesty King Charles III, which will be provided to all ceremony organisers at that time.

BACKGROUND AND CHRONOLOGY

- The majority of applications for Australian citizenship (approximately 90 per cent) are 'citizenship by conferral' applications (others being Descent, Evidence, Resumption and Adoption).
- For most applicants, there are two stages in the process to acquire citizenship by conferral:
 - Lodgement to approval - includes assessment of an application and undertaking an appointment and passing the Australian Citizenship Test; and
 - Approval to acquisition - attending a council-run ceremony to make the pledge of commitment.
- Between March 2020 and December 2021, the Department's Melbourne client service site was closed for a total of 56 weeks, and the Sydney site for 42 weeks contributing to higher on-hand caseload, and increased age of caseload.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
CITIZENSHIP PROGRAM

Document 11

Citizenship processing and ceremony wait times – website figures

- Processing times for citizenship applications is available in percentiles and is updated monthly on the Department's website. See **Table 6, Attachment A**.
- Processing timeframes provided in percentiles are not the same as the average processing time. As processing times may vary significantly due to individual circumstances, these percentile figures are intended to provide citizenship applicants with a guide as to what might be expected for the majority of applications, based on the actual processing timeframes for the previous month.
 - The *average* processing time from lodgement to decision for applications decided in **October 2022** was **303** days, an **increase** of **23** per cent from **October 2021** (**246** days). This figure reflects the resolution of a number of long-standing citizenship applications.
- From 17 October 2022, ceremony wait times have also been published on the Department's website for all councils and are updated monthly.

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Date last Updated: 29/03/2023 - 4:00 PM

Released by Department of Home Affairs
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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
CITIZENSHIP PROGRAM

ATTACHMENT A

Table 1: Number of citizenship applications on-hand (as at 31 October 2022)	
Application type	No. of applications
Conferral	106,128
Descent	3,343
Evidence	1,294
Resumption	49
Adoption	7

Data is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

Where applicable, as per current privacy guidelines, the Department of Home Affairs' policy is to mask numbers between 1 and 4 as "<5".

Table 2: Number of Australian citizenship by conferral applications lodged and finalised (by decision type) by financial year (1 July 2019 to 31 October 2022)						
Financial year	Lodged*	Decision type				
		Approved	Refused	Invalid	Other**	Total
2019-20	147,001	215,394	8,762	2,179	1,988	228,323
2020-21	186,297	170,645	7,957	1,782	2,831	183,215
2021-22	144,763	149,514	6,798	3,246	1,789	161,347
2022-23 (to 31 October)	49,757	61,166	3,193	1,343	437	66,139

*Applications lodged in any given financial year are not necessarily finalised within the same financial year.

** "Other" includes applications withdrawn by the client and minor numbers of administrative finalisations.

Data is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

Table 3: Number of people conferred Australian citizenship by residential state or territory (1 July 2022 to 31 October 2022)	
State/territory	No. of people
NSW	22,084
VIC	21,737
QLD	14,639
WA	4,102
SA	2,460
ACT	1,125
NT	468
TAS	450
Other	112
Total	67,177

Data is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
CITIZENSHIP PROGRAM

Table 4: Number of people conferred Australian citizenship by top ten nationalities (1 July 2022 to 31 October 2022)

Country of nationality	No. of people
India	13,303
United Kingdom	6,579
Philippines	4,368
Pakistan	2,705
Iraq	2,587
Vietnam	2,406
New Zealand	1,961
Afghanistan	1,942
Syrian Arab Republic	1,919
South Africa	1,916
Others	27,491
Total	67,177

Data is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

Table 5: Average days from lodgement of a conferral application to acquisition of citizenship, by financial year (1 July 2017 to 31 October 2022)

Financial year	Days from lodgement to acquisition
2017-18	321
2018-19	493
2019-20	518
2020-21	460
2021-22	458
2022-23 (to 31 October)	473

Data is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
CITIZENSHIP PROGRAM

Table 6: Processing times for citizenship applications in October 2022, as published on the Department of Home Affairs website

Application type	Period counted	Timeframe for 25% of applications	Timeframe for 50% of applications	Timeframe for 75% of applications	Timeframe for 90% of applications
Australian citizenship by conferral (general eligibility and other situations)	From date of application to decision	6 months	8 months	11 months	16 months
	From date of approval to ceremony	3 months	4 months	6 months	7 months
	From date of application to ceremony	11 months	15 months	17 months	21 months
Australian citizenship by descent	From date of application to decision	41 days	51 days	74 days	4 months
Evidence of Australian citizenship	From date of application to decision	1 day	5 days	14 days	40 days

Data is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

Table 7: Number of Australian citizenship applications* lodged and on-hand, by application type (1 July 2022 to 31 October 2022), as published on the Department of Home Affairs website

Application type	No. of applications received	No. of applications on-hand (as at 31 October)
Conferral	11,558	106,128
Descent	1,470	3,343
Evidence	3,880	1,294

**Includes children aged 15 years or younger who were included in their parent's application.*

Data is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
SOCIAL COHESION

Document 12

QUESTION: What is the Australian Government doing to foster social cohesion?

KEY TALKING POINTS:

- Australia's strong social cohesion is the cornerstone of what makes Australia one of the most successful liberal democracies and multicultural societies in the world.
- The 2021 Census highlights Australia's increasingly diverse population. More than half of Australian residents (51.5 per cent) were either born overseas or have at least one parent born overseas.
- This Government will continue to promote the shared values that bring all Australians together – our values are essential to our democratic institutions and trust in one another.
- The Government recognises the important contributions of culturally and linguistically diverse (CALD) and migrant communities to Australia, its prosperity and way of life.
- The 2022-23 Budget includes commitments to strengthen Australia's social cohesion and vibrant, multicultural society (including grants administration costs):
 - o \$1.0 million for a Multicultural Policy Review to ensure the Government's multicultural policy settings and institutional arrangements are fit for purpose;
 - o \$18.2 million to fund community language schools so more Australian children will have the chance to learn a second language;
 - o \$6.3 million for local multicultural projects to strengthen multicultural communities across the nation;
 - o \$33.75 million for capital works projects to ensure multicultural communities have access to high quality, culturally appropriate facilities, services and places of worship [*Infrastructure portfolio lead*]; and
 - o \$7.5 million to fund the Australian Human Rights Commission (AHRC) to complete its National Anti-Racism Framework and implement a national anti-racism strategy [*Attorney-General's portfolio lead*].
- The Government will strengthen how we collect data on Australia's diversity to improve evidence-base policy, resource allocation and service planning that will strengthen social cohesion and advance multiculturalism.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
SOCIAL COHESION

Document 12

If asked: How will the Government address racism in Australia?

- Racism has no place in our cohesive and inclusive society. Australians welcome people from all backgrounds and are committed to giving everyone a fair go.
- Throughout the pandemic, we've seen a substantial rise in racist activities, particularly those perpetrated against Asian communities.
- This is why the Government has committed \$7.5 million in the 2022-23 Budget to fund the AHRC to complete its National Anti-Racism Framework and implement a comprehensive national anti-racism strategy.
- On 4 October 2022, I [Minister Giles] hosted state and territory multicultural affairs ministers at a Ministerial Forum on Multicultural Affairs, to advance inter-governmental cooperation to strengthen social cohesion.
 - We agreed to work together to respond to racial discrimination and vilification, including with the AHRC as it develops the National Anti-Racism Framework.
- In Australia, everyone can be proud of who they are – and everyone should be respected, valued and feel a sense of belonging.

If asked: Why is the Government undertaking the Multicultural Policy Review?

- The Review will strengthen the cohesion and prosperity of Australia's successful liberal democracy and multicultural society by:
 - positioning Australia to capitalise on our diversity and inclusive national identity;
 - better understanding the aspirations of all Australians, including our successful CALD communities, to inform government policies and services; and
 - determining what Commonwealth-level policies and institutional arrangements are required to better meet the needs of Australia's increasingly diverse society.

If asked: Why is the Government funding eligible community language schools?

- The Government's \$18.2 million community language schools grants program will expand language teaching to pre-schoolers, improve teacher training, and upgrade classroom resources. The program will enable young Australians to:
 - learn the language and culture of their parents and grandparents; and
 - prepare for the economy and jobs of the future.
- The linguistic diversity of Australian communities is a key national strength, built on the success of Australia's well-managed migration system.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
SOCIAL COHESION

Document 12

BACKGROUND

Proposal for a National Anti-Racism Framework

- The Attorney-General has responsibility for human rights and the *Australian Human Rights Commission Act 1986* and the *Racial Discrimination Act 1975*.
- On 12 July 2022, the AHRC relaunched the *Racism. It Stops With Me* campaign, which was first launched in 2012.

Promoting Australian Values

- The Australian Values Statement articulates Australia's shared liberal democratic values and forms part of immigration and citizenship processes and underpins a range of engagement and communication work undertaken by the Department to strengthen our social cohesion.
- The Australian Values program was launched on 25 January 2021, and can be accessed at Australian-values.gov.au and through social media platforms.

Mapping Social Cohesion 2022 Report

- The Scanlon Foundation released the findings of the 2022 survey *Mapping Social Cohesion* on 23 November 2022. The survey explores public opinion on social cohesion, immigration and population issues.
- Key findings of the 2022 Report:
 - social cohesion increased during the pandemic, but is now declining; Australia is at a tipping point, which presents an opportunity to strengthen cohesion and the risk of further decline;
 - population-wide support for multiculturalism is high and growing, providing resilience to pressures on social cohesion;
 - a key question is how to leverage strong social cohesion at the neighbourhood level to improve national cohesion. The sense of belonging and connectedness at the neighbourhood level has been high and growing since the pandemic, but national pride, belonging and the sense of social justice are at the lowest levels since 2007; and
 - trust in government has declined since 2020, however, it remains significantly higher in 2022 than it was over the period 2010 to 2018.

Lead Division: Citizenship and Multicultural Affairs
Contact: Angus Kirkwood, FAS
Division: Citizenship and Multicultural Affairs
Date first prepared: 11 July 2022
Originating Source: (MO)

Phone: S. 22(1)(a)(ii)
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Date last Updated: 1/03/2023 - 9:41 AM

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PDR No. QB22-000195

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
MIGRANT AND CALD COMMUNITY SERVICES

QUESTION: What Government initiatives support migrants and those from culturally and linguistically diverse (CALD) backgrounds to gain access to government services, including programs, which support economic participation?

KEY TALKING POINTS:

- The Government is committed to ensuring all eligible Australians can access government programs and services as needed.
- The Government has committed to strengthening data collection to provide a deeper, national picture of Australia's diversity, which will better inform policy and programs to drive equitable outcomes for all members of our multicultural society.
- The Government regularly engages with culturally and linguistically diverse communities and leaders through the Department of Home Affairs' Community Liaison Officer Network.
- The Department also manages TIS National's Free Interpreting Services where eligible groups and their clients who have limited or no English language proficiency can access a credentialed interpreter in over 150 languages, 24 hours a day, seven days a week, every day of the year.

If asked: What is the government doing to tackle the challenges faced by migrant communities in the employment market?

- The Government has been bringing people together to find solutions for better training and employment opportunities for all Australians, including through the September 2022 Jobs and Skills Summit.
- Before the Summit, I convened two multicultural roundtables with community and peak body leaders to focus on the employment experiences of:
 - o culturally and linguistically diverse Australians (16 August 2022), and
 - o refugees and humanitarian entrants (19 August 2022).
- Key outcomes of the Summit include:
 - o progressing work to bring forward a package of reforms in 2023 to address migrant worker exploitation.
 - o conducting a comprehensive review of the purpose, structure and objectives of Australia's migration system to confirm it meets the challenges of the coming decade.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
MIGRANT AND CALD COMMUNITY SERVICES

- o additional resourcing for visa processing, including an additional surge staff capacity of 500 people for the next nine months (until 30 June 2023).
- Australia's diversity is a critical source of innovation and a significant value proposition for the strength and dynamism of the business sector.
- Our population is multicultural and includes people drawn from over 250 ancestries and speaking over 350 languages.
 - o This gives us an extraordinary advantage in doing business regionally and globally – especially if we do more to harness our diversity and ensure all Australians can fulfil their potential.
- Collaboration opportunities with other agencies and educational institutions for pre-employment readiness programs for CALD community members, including opportunities in law enforcement, are being explored.

If asked: What is the government doing to ensure cyber safety among migrant communities in light of the recent cyber attacks on Optus and Medibank?

- The Australian Federal Police (AFP) provides scam/cyber awareness information sessions to vulnerable community members.
- The information for these sessions comes from a number of state and commonwealth agencies including state and territory police, the Australian Competition and Consumer Commission, and Services Australia.
 - o The AFP's Community Liaison Teams have delivered ThinkUKnow programs to CALD communities in major cities and regional areas. The demand for cyber safety education has dramatically increased due to the amount of vulnerable youth who were online during COVID-19 lockdowns.
- The Department's Regional Directors and community liaison officers have engaged with multicultural communities on the recent cyber-attacks and shared a factsheet on the Optus data breach with relevant CALD communities.

If asked: What has the Government done to ensure CALD communities understand information about the COVID-19 pandemic?

- The Government is committed to addressing issues and finding solutions for the health needs of people from culturally and linguistically diverse backgrounds.
 - o The Department's Regional Directors and community liaison officers have stepped up engagement with multicultural community leaders, state/territory government counterparts and service providers to ensure Australian Government messaging in relation to COVID-19 is disseminated widely.

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

MIGRANT AND CALD COMMUNITY SERVICES

- The Government has made COVID-19 public health and vaccination information widely accessible, including through a dedicated *COVID-19 Information in your language* webpage on the Department's website that provides official Government information translated into 63 languages.
- The Department of Health and Aged Care established a national Culturally and Linguistically Diverse Communities COVID-19 Health Advisory Group to support an evidence-based response to the pandemic and to improve engagement with multicultural communities.
 - o The Department works closely with the Department of Health and Aged Care and is represented on the Advisory Group.

If asked: What is the government doing to support new arrivals to settle successfully?

- The Government's settlement programs provide support to new arrivals and connect them to relevant Australian, state/territory and local government services. Our settlement programs are critical to enabling migrants and refugees to be independent and participate in the Australian community.
- The Government invests in employment creation initiatives and supports economic participation for culturally and linguistically diverse people, including through:
 - o an \$8 million grant to settlement service provider, AMES Australia, to partner with Thrive Refugee Enterprise to assist refugees to start and grow a small business through the provision of loans, training and business planning/management support.

BACKGROUND

- In 2013, the Australian Government launched the Multicultural Access and Equity (MA&E) Policy document Multicultural Access and Equity Policy - Respecting Diversity. Improving Responsiveness, which was a new version of the 2006 Access and Equity Framework. The Policy was reviewed again in 2016 and remains current.
- Home Affairs has lead responsibility for coordination of the MA&E Policy and its implementation. As part of machinery of government changes in December 2017 the multicultural affairs function transferred to Home Affairs from the Department of Social Services.

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

MIGRANT AND CALD COMMUNITY SERVICES

- The Policy places a responsibility on all Government agencies to ensure programs and services are accessible by all eligible Australians. To this end, the Government manages a range of targeted programs including:
 - o the Department of Health and Aged Care's national advertising campaigns for COVID-19 vaccinations and other preventive behaviours are adapted where appropriate for CALD audiences and translated in 32 languages across radio, print, social and digital channels;
 - o in-language products and language support for the 2021 Census by the Australian Bureau of Statistics for the 2021 Census;
 - o the Multicultural Service Officers to connect migrants and refugees to Services Australia's information, payments and services; and
 - o the AFP's community newsletter during the COVID restrictions to inform and support communities.
- A Triennial Report on the MA&E Policy's performance covering 2013-2015 (prepared by the Department of Social Services as the then responsible agency) was tabled in Parliament on 13 June 2017. Noting the COVID-19 pandemic and competing priorities, the next Triennial Report covering 2017-2020 is being developed.

COVID-19 Information in your language webpage

- COVID-19 public health and vaccination information resources on the Home Affairs website are currently being reviewed for alignment to the most recent public health and vaccination information.
 - o These resources were originally hosted on a standalone website, however they have now been migrated to a dedicated webpage on the Department's website. People who try to access the former website are redirected to the new webpage.

Lead Division: Citizenship and Multicultural Affairs

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Division: Citizenship and Multicultural Affairs

Date first prepared 18 July 2022

Phone: S. 22(1)(a)(ii)

Action Officer: S. 22(1)(a)

Date last Updated: 25/11/2022 – 3:43pm

Originating Source: HA

Released by Department of Home Affairs
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HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

MINISTERIAL ADVISORY COUNCIL ON SKILLED MIGRATION
(MACSM)**QUESTION: Has the Minister established a Ministerial Advisory Council on Skilled Migration?****KEY TALKING POINTS:**

- At the end of June 2022, I decided the membership for the 2022-23 Ministerial Advisory Council on Skilled Migration (MACSM).
- I have appointed 15 members comprising representatives from unions, business and industry, and other sectors (agriculture, small business, economics and demography) with expertise to provide independent advice to Government on Australia's permanent and temporary skilled migration programs.
 - I have reappointed Innes Willox, Chief Executive of the Australian Industry Group, as the 2022-23 MACSM Chair.
- This Government has a broad range of mechanisms through which it is actively listening to Australian business and workers, First Nations people and the broader Australian community on critical issues like migration.
- I look forward to working with MACSM to ensure it actively assists Government in maximising the benefits of our skilled migration program for all Australians.
- By convening MACSM, I am upholding my obligations under section 140AB of the *Migration Act 1958*.

If asked: When did MACSM last meet?

- The first MACSM meeting for this financial year was held on 15 August 2022. It was principally introductory, and focused on affirming Council arrangements such as the 2022-23 Terms of Reference.
- The second MACSM meeting for this financial year was held on 25 November 2022 and provided an opportunity to hear members' views on equitably setting the threshold and pathway for adjustment on the Temporary Skilled Migration Income Threshold (TSMIT).
- The third MACSM meeting is expected to be held in February 2023.

If asked: How does the 2022-23 MACSM membership compare to 2021-22?

- In the 2021-22 financial year, 25 MACSM members were appointed in addition to State and Territory Representatives. For this financial year I have appointed 15 MACSM members.
- MACSM continues to represent a cross-section of society and is one of a range of fora that exists for consultation. The Government is committed to bringing together diverse perspectives to address common challenges and is confident MACSM is well structured to represent these perspectives.

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
MINISTERIAL ADVISORY COUNCIL ON SKILLED MIGRATION
(MACSM)

If asked: What role will MACSM play to support the Australian Jobs and Skills Summit (the Summit) outcomes?

- Further work relating to skilled migration policy settings were identified as Summit outcomes, including migrant worker exploitation and an increase to the Temporary Skilled Migration Income Threshold (TSMIT).
- I look forward to MACSM playing an important role in advising on these and other matters as part of its forward work plan.

If asked: What is the status of the Skilling Australians Fund (SAF) levy review?

- MACSM undertook an independent review into the Skilling Australians Fund (SAF) Levy for the previous government in March 2022.
- The Ministerial Advisory Council on Skilled Migration Paper: Skilling Australians Fund (SAF) Levy Review Report was tabled in the Parliament of Australia on 21 October 2022.
- The full report was published on the website of the Parliament of Australia on 24 October 2022.
- The Government is considering this review, including in the context of further work to review skilled migration settings following the Australian Jobs and Skills Summit.

If asked: Are MACSM members remunerated?

- MACSM members can elect to receive sitting fees. For 2022-23, sitting fees include a daily rate of \$720 for members and \$800 for the Chair for periods of work of three hours or over.

BACKGROUND

- MACSM provides independent advice on permanent and temporary skilled migration programs that contribute to Australia's economic and social prosperity, and is required by legislation to meet at least quarterly.
- On 28 June 2022 you decided your preferred initial MACSM membership composition. Ten MACSM members continued from 2021-22, including Innes Willox as Chair, and four new members provide expertise in agriculture, small business, economics and demography.
- On 26 October 2022 you invited Jill McCabe to rejoin MACSM as a member. Ms McCabe accepted on 4 November 2022, increasing the appointed 2022-23 members to 15.
- Consistent with previous practice, a member from the Skilled Migration Officials Group (SMOG) represents State and Territory governments at MACSM on a rotational basis.
- The Department provides secretariat support for MACSM and covers associated costs.

Lead Division
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Date first prepared: 11 July 2022
Originating Source: HA

Phone: S. 22(1)(a)(ii)
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Date last Updated: 25/11/2022

Contributing Division/s
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Action Officer: S. 22(1)(a)
Date last Updated: 2/03/2023 - 3:44 PM

Released by Department of Home Affairs
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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
ADULT MIGRANT ENGLISH PROGRAM

QUESTION: How will the Adult Migrant English Program (AMEP) benefit migrants and humanitarian entrants who settle in Australia?

KEY TALKING POINTS:

- The Government is committed to supporting migrants to attain a level of English that will enable them to fully participate, both socially and economically, in Australia.
- \$20 million in additional funding over four years from 2022-23 has been provided for the AMEP to support individual learners with flexible delivery and case management.
- The AMEP Request for Tender has been delayed to the first quarter of the 2023-24 financial year, with new contracts scheduled to commence on 1 January 2025. This will allow time to refine and finalise the future settings and ensure that contracts are designed in a way to achieve the best outcomes from the program.

If asked: What will the \$20 million additional funding be used for?

- Commencing this financial year, this funding will be used to:
 - increase online learning and teaching resources
 - improve access to case management and
 - increase delivery of the AMEP in community and work-based settings.
- The Department **has sought** proposals from current AMEP providers to deliver on these objectives.

If asked: Improving the Adult Migrant English Program - How will Government ensure that these initiatives result in improved outcomes for clients?

- AMEP providers will provide milestone reports on the effectiveness of their proposals, with opportunities to scale up and/or extend initiatives that demonstrate success in improving outcomes for clients. The Department will conduct quality assurance and financial assurance processes to ensure that the initiatives meet the objective of providing greater flexibility and case management support to AMEP students, and will identify and address any unforeseen consequences.

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
ADULT MIGRANT ENGLISH PROGRAM

If asked: Improving the Adult Migrant English Program - Will this mean that clients move to online learning?

- Online learning resources will be used by students to supplement their classroom learning at times that suit them. It is not intended to replace face to face learning.

If asked: Why has the implementation of a new AMEP model been delayed?

- Implementation of the previously approved AMEP model has been delayed to allow for a review of the model and to mitigate unforeseen circumstances impacting the funding settings.
- This delay will also allow for further consideration of stakeholder concerns raised during consultations on the previously approved AMEP model

If asked: What will the new model include?

- The Government is reviewing the AMEP business model.
- The Government is committed to ensuring the new model is designed to achieve the best outcomes from the program.

BACKGROUND AND CHRONOLOGY

- The AMEP was established in 1948 and is available to eligible new migrants and humanitarian entrants who have less than vocational English.
- The AMEP continues to flourish with high numbers of student enrolments, in spite of the disruption caused by the COVID-19 Pandemic. In 2021-22 there were over 56,000 student enrolments.
- Currently there are 58 AMEP service delivery contract regions across Australia. The AMEP is delivered by 13 AMEP general service providers at around 300 locations across Australia in major cities as well as in regional and rural areas. There is also a distance learning provider (TAFE New South Wales) and a quality assurance provider (Linda Wyse and Associates).
- Current AMEP Agreements commenced 1 July 2017 and expire on 30 June 2023. Work is currently underway for a further extension until 31 December 2024.

Lead Division
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Originating Source: MO

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Action Officer: Ali Mond
Date last Updated: 2/03/2023 - 3:45 PM

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under the Freedom of Information Act 1982

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
PROCESSING OF UKRAINIAN NATIONALS

KEY TALKING POINTS:

- The Australian Government is progressing visa applications from Ukrainian nationals as a priority, particularly for those with a strong, personal connection to Australia.
- Since 23 February 2022, the Department of Home Affairs has granted over 9,500, mostly temporary, visas to Ukrainians in Ukraine and hundreds more to Ukrainians elsewhere.
- Nearly 4,500 of these visa holders have since arrived in Australia.
- The Australian Government extended, until 31 July 2022, a Temporary Humanitarian Concern (THC) (subclass 786) visa, to Ukrainians in Australia who were forced to flee from Russia's military invasion.
- As at 30 November 2022;
 - o 4,428 Ukrainians and their immediate family members currently hold a THC subclass 786 visa;
 - o 19 Ukrainians hold a subclass 449 visa and are yet to transition to a subclass 786.
- Ukrainian nationals who were unable to accept the Australian Government's offer of a Temporary Humanitarian Stay by 31 July 2022 can access other visa options.
- Ukrainians and their families who wish to extend their stay in Australia or explore migration options can continue to access visa pathways including the skilled, family, student and visitor visa programs.
- Ukrainians who are unable to access any further visa options or cannot return to Ukraine may apply for a Bridging E (subclass 050) visa or a Protection (subclass 866) visa.
- Access to Medicare is available to Ukrainians (including their non-Ukrainian immediate family members) who apply for and are (or were) granted a Bridging E Visa since 1 August 2022.
- Protection visa applicants may be eligible to apply for work rights in Australia, Medicare, publically funded schooling for children, and access to free translating and interpreting services.

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
PROCESSING OF UKRAINIAN NATIONALS

- Individuals on a subclass 786 visas are already eligible for Medicare.
- The Government has provided \$450,000 to the Australian Federation of Ukrainian Organisations to assist their work to support those most recently arrived.
- Further, \$550,000 in additional funding will be provided in 2022-23 for the Ukrainian Community and Settlement Support Program to provide further support for the ongoing settlement and integration needs of those arriving in Australia from Ukraine.

If Asked: Why was the subclass 786 visa being used for the Ukrainian group?

- The Temporary Humanitarian Concern (subclass 786) visa will ensure that Ukraine nationals who have had to flee their country due to the Russian invasion have access to work and study for school aged children, and gain access to Medicare and other relevant support services.

If Asked: Why did the Australian Government offer of a temporary humanitarian stay for Ukrainians end on 31 July 2022?

- The offer of a Temporary Humanitarian Concern (THC) (subclass 786) visa was funded to 30 June 2022 through the previous Budget of March 2022.
- The Australian government extended the offer of a THC (subclass 786) visa to the 14th of July, to allow those still in the process of applying to access the program, as well as extending the offer to their immediate family members.
- The Australian government further extended the deadline until 31 July 2022, for all Ukrainian nationals (and their immediate family members), to allow those who were not aware of a deadline, time to make arrangements to accept their offer.
- Ukrainian nationals who were unable to accept the Government's offer of a Temporary Humanitarian Stay by 31 July 2022 can access other visa options.
 - Ukrainians who are unable to access any further visa options or cannot return to Ukraine may apply for a Bridging E (subclass 050) visa or a Protection (subclass 866) visa.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
PROCESSING OF UKRAINIAN NATIONALS

- o Ukrainians and their families who wish to extend their stay in Australia or explore migration options can also continue to access visa pathways including the skilled, family, student and visitor visa programs.
- Australia is committed to showing global leadership with regards to the size of our humanitarian intake as one of the world's most generous contributors to international refugee resettlement efforts.
- Australia's resettlement program intake has been drawn from a range of nationalities, ethnic and religious groups. The Program operates flexibly to respond to evolving humanitarian situations in the context of record levels of global displacement.
- The Department will continue its long-standing partnerships with international organisations such as UNHCR and IOM, and other resettlement countries to address the challenges of providing effective protection for refugees and displaced persons.

If raised: Can Ukrainians on subclass 449 or 786 visas travel in compelling and compassionate circumstances?

- Subclass 449 or 786 visa holders who wish to depart and re-enter Australia while maintaining their temporary humanitarian stay visa, can submit a request to the Department.
- Permission to depart and re-enter Australia may be approved in limited situations, where compelling or compassionate circumstances exist.
- If they do not receive such permission, Ukrainian nationals who are holders of a subclass 449 or subclass 786 visa and wish to depart Australia are still free to do so.
 - o However, their subclass 449 or subclass 786 visa will cease upon departure and in order to re-enter Australia they will need to apply for and be granted another visa, such as a Visitor visa.

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Division: Refugee, Humanitarian and Settlement
Division
Date first prepared: 19 July 2022
Originating Source: HA

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Action Officer: Andrew Kiley

Date last Updated: 2/03/2023 - 3:45 PM

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
STUDENT VISA FRAUD

Document 17

QUESTION: *As reported across certain sections of the media, have the incidents of fraudulent visa applications gone up since COVID restrictions have been lifted?*

KEY TALKING POINTS:

- From 1 July to 31 October 2022, offshore lodgements (104,034) were almost 40 per cent higher than those for the same period in 2019-20 (pre-pandemic).
 - 145,060 offshore visa finalisations during this period is the highest level of finalisations ever achieved for the Student visa program.
 - The Department finalised 81 per cent more applications than the same period in 2019-20 before the pandemic.
 - The return of interest from international students in studying in Australia is welcome and the Department is working hard to facilitate visa grants to genuine students.
 - It is disappointing to see fraudulent information provided in a small number of cases across all educational sectors.
 - Visa applications will be refused where fraud is detected.
-
- Education providers have an important role to play in contributing to the overall integrity and sustainability of the international education sector including maintaining an awareness of fraud and ensure they have appropriate screening methods in place for all potential students.
 - From 1 July 2022 to 31 October 2022, the top three nationalities for offshore visa grants were China 18,720, India (more than 16,400) and Colombia almost 10,000 replacing Nepal in third position, compared to the same period in 2021-22 to 31 October 2021. The overall offshore grant rate for student for the 2022-23 program year is 76.7 per cent; 9.5 per cent lower than the pre-pandemic figure of 84.7 per cent for the same period in 2019.
 - o More visas were granted over July and August to facilitate travel to Australia ahead of Semester 2 2022, and a higher proportion of the onhand cases were refusals in September and October 2022 as the Department worked through the backlog of onhand cases.
 - Fraudulent activity has been particularly prevalent in the VET sector. This can be seen in the low offshore grant rate (at 46.4 per cent) for 2022-23 to 31 October 2022. In terms of key VET sector markets based on numbers lodged:
 - o India reported a grant rate of 7 per cent
 - o Nepal reported a grant rate of 13.8 per cent

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
STUDENT VISA FRAUD

Document 17

- o Pakistan reported a grant rate of 24.7 per cent; and
- o Bhutan reported a grant rate of 33.6 per cent.

If asked: What factors are contributing to an increase in fraud?

- Instances of fraud in the student visa program cannot be attributed to any single element, but rather a combination of push and pull factors that always attract non-genuine students and those who want to live in Australia.
- The availability of unrestricted work rights as a short term measure to support COVID-19 recovery, has been identified as a possible contributing factor by the education sector.

BACKGROUND AND CHRONOLOGY

- Public Interest Criterion (PIC 4020) provides for refusal of a visa application where false or misleading information, or a bogus document is provided or if a visa applicant fails to satisfy the Minister as to their identity.
- Visa applicants who are refused under PIC 4020, are subject to either a three year (document fraud) or 10 year (identity fraud) non-grant period.
- Fraud captured by the Department includes document fraud (documents supporting relationships and family composition, education, work experience, English language proficiency and financial capacity); identity fraud; and incorrect information on visa applications.
- For 2022-23 to 31 October 2022, of the 145,060 total offshore finalisations, 37,677 were refused or withdrawn, of which 612 were refused or withdrawn based on fraud.

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Date first prepared: 25 July 2022
Originating Source: HA

Phone: s. 22(1)(a)(ii)
Action Officer: Alison Garrod
Date last Updated: 2/03/2023 - 3:45 PM

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under the Freedom of Information Act 1982

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
SIGNIFICANT INVESTOR VISA STREAM

QUESTION: What is the Significant Investor visa program and what measures are in place to ensure the integrity of that program?

KEY TALKING POINTS:

- The Significant Investor visa program is one of four streams within Australia's Business Innovation and Investment Program (BIIP).
 - It requires nomination by a State or Territory Government or the Australian Trade and Investment Commission.
 - The Significant Investor visa program also requires that applicants are able to make a significant contribution to the Australian economy by making a complying investment to the value of AUD 5 million.
 - Applicants are required to demonstrate that their funds are lawfully acquired and do not have a history of unacceptable business activities.
 - Applicants in the Significant Investor stream have invested more than AUD 15 billion in complying investments since the Significant Investor Stream was introduced in 2012.
-
- The Significant Investor stream of the BIIP was introduced in 2012 to provide a boost to the Australian economy through attracting an increased inflow of investment.
 - In order to be eligible for this visa, applicants must be able to invest at least AUD 5 million into complying investments, and be able to maintain a specified level of business and investment activity in Australia.
 - Visa applicants are nominated by States and Territories where they intend to make their investment, or by Austrade.
 - There have been 9,790 subclass 188 visas granted (3,033 primary and 6,757 secondary applicants) in the Significant Investor stream since it was introduced in 2012 until 30 September 2022.
 - There was a 40 per cent reduction in primary lodgements in the Significant Investor stream in the 2021-22 program year, from the previous program year, following changes in the Complying Investment Framework (CIF) introduced on 1 July 2021.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
SIGNIFICANT INVESTOR VISA STREAM

If asked: How many Significant Investor stream visas have been granted to Chinese nationals and what is the total value of investments made by Chinese nationals?

- Since the stream was introduced until 30 September 2022, Chinese applicants in the Significant Investor stream (subclass 188) have an approval rate of approximately 61 per cent. This is a lower approval rate than the overall skilled visa rate, which was 91% in 2021-22.
 - o There have been 2,377 subclass 188 primary visa grants in the Significant Investor stream to Chinese citizens since the stream was introduced in 2012 to 30 September 2022. An additional 5,071 subclass 188 visas were granted to secondary applicants in this stream during the same period.
- Of the total funds invested in Australia under the Significant Investor stream, approximately AUD 12 billion was made by 2,377 Chinese primary applicants.

If asked: How many Significant Investor stream visas have been granted to Cambodian nationals and what is the total value of investments made by Cambodian nationals?

- There have been 67 subclass 188 visas granted in the Significant Investor stream to Cambodian citizens since the stream was introduced in 2012 to 30 September 2022. Of these, 14 were primary applicants.
- Of the total funds invested in Australia under the Significant Investor stream, approximately AUD 70 million was made by 14 Cambodian primary applicants.

If asked: What integrity measures are in place for the BIIP?

- Investor and Significant Investor stream applicants must provide evidence that their funds are unencumbered and lawfully acquired, and are not proceeds of crime or have a history of unacceptable business activities. The assessment process includes close scrutiny of applicants' financial arrangements and business history, and only applicants that are able to support their claims by verifiable documentary evidence are invited to make a Complying Significant Investment.
- Each fund offering products for the Emerging Companies and Balancing Investment components of the CIF are required to provide annual independent audit reports showing their compliance with the CIF commencing program year 2021-22. This will provide an ongoing record of their compliance which will also be considered when provisional visa holders make an application for a permanent visa.

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
SIGNIFICANT INVESTOR VISA STREAM

- The Department of Home Affairs has access to a range of financial data to assist with assessing whether an applicant meets the criteria for visa grant, and can refer cases to the Australian Federal Police if alleged criminal activity is identified.
- The Department reserves the right to cancel visas upon a range of grounds. A visa may be cancelled as a result of a non-citizen providing incorrect information in order to enter Australia; presenting a significant risk to the community; or engaging in substantial criminal conduct.
- Of the Chinese nationals who applied for the SI stream as at 30 September 2022:
 - None were refused under Public Interest Criteria 4001 (the character test).
 - 23 were refused for reasons related to Public Interest Criteria 4020 (for example requirement to provide accurate information). Data for each possible refusal ground under the program is not available.
- Of the Chinese nationals who applied for or held a Significant Investor visa (subclass 188) as at 30 September 2022:
 - Less than five had their subclass 188 visa cancelled under s501 (Character).
 - 20 had their subclass 188 visa cancelled under the general cancellation provisions of the Migration Act 1958.
- Of the Cambodian citizens who applied for the Significant Investor visa (subclass 188), less than five had their subclass 188 visa refused or cancelled. Data for each possible refusal ground under the program is not available.
- The low cancellation rate is predominantly due to the high withdrawal rate:
 - 3,848 applicants (23%) withdrew their application may reflect an applicant's inability to meet the visa requirements and opting to withdraw their application rather than be refused a visa. Of this, 3,191 were Chinese applicants.
 - 1,761 applicants (10%) were refused due to not meeting visa criteria or not making the AUD 5 million investment.

Sensitive: If asked, is the Significant Investor visa being abolished?

- On 11 September 2022, the Minister for Home Affairs indicated in an interview with Sky News that the Significant Investor visa will be reviewed as part of the comprehensive review of Australia's current immigration system.

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
SIGNIFICANT INVESTOR VISA STREAM

- This review will outline the objectives of our immigration system and guide future reform – with a focus on Australian productivity.

If asked, what are the top five nationalities of Significant Investor stream?

- The top five nationalities granted visas under the Significant Investor stream in the 2021-22 program year were: People's Republic of China; Hong Kong SAR; Vietnam; South Africa and Malaysia.

BACKGROUND AND CHRONOLOGY

- From 1 July 2021, the BIIP consists of the following four streams:
 - Business Innovation
 - Investor
 - Significant Investor
 - Entrepreneur
- The Significant Investor stream of the Business Innovation and Investment Program commenced on 24 November 2012.
- Legislative changes to the BIIP were implemented on 1 July 2021 to streamline the program and maximise the economic impact of high value investors, business owners and entrepreneurs, and to support Australia's economic recovery following the impact of COVID-19. These changes included:
 - Ceasing the Business Talent visa, and simplifying the BIIP into four streams (including closing the Premium Investor stream) to provide a clear pathway to permanent residence for each cohort.
- Improving the quality of investments and refining the thresholds specified by the CIF, including specifying the following investments:
 - 20 per cent (up from 10 per cent) Venture Capital and Private Growth Equity funds (VCPE) investing in start-up and small private companies
 - 30 per cent in eligible managed funds or Listed Investment Companies (LICs) that invest in emerging companies
 - 50 per cent (down from 60 per cent) in balancing investments in managed funds or LICs that invest in eligible assets, including Australian listed securities, eligible corporate bonds or notes, annuities and real property.
- Applicants must provide evidence that their funds are unencumbered and lawfully acquired, and are not the proceeds of crime. The assessment process includes close scrutiny of applicants' financial arrangements and history, and only applicants that are able to support their claims by verifiable documentary evidence are invited to make a Complying Significant Investment.

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
SIGNIFICANT INVESTOR VISA STREAM

- In addition to scrutinising applicants source of funds, applicants are also required to demonstrate that they do not have a history of involvement in business or investment activities that are of a nature that is not generally acceptable in Australia. The policy intention of this criterion is to guard against the entry of persons who may otherwise satisfy Business visa criteria, but whose business is in an industry, or whose business practices are of a nature that would generally be unacceptable to the Australian community. Business activities or practices that may not be considered acceptable include:
 - o contravention of government laws (for example, quarantine, tax evasion)
 - o criminal convictions relating to business activities
 - o serious disregard of industry, licensing and regulations
 - o fraudulent trade practices
 - o Foreign Investment Review Board violations or
 - o not providing 'fair pay' for employment

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Division: Immigration Programs Division
Date first prepared: 25/07/2022
Originating Source: MO
Phone: s. 22(1)(a)(ii)

Action Officer: s. 22(1)(a)(ii)
Date last Updated: 2/03/2023 - 3:45 PM

Action Officer: s. 22(1)(a)(ii)
Date last Updated: 2/03/2023 - 3:45 PM

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Date first prepared: 25/07/2022

Date last Updated: 23/09/2022 - 2:35 PM

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

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

PACIFIC AUSTRALIA LABOUR MOBILITY SCHEME

QUESTION: What measures is the Government taking to reform the Pacific Australia Labour Mobility (PALM) scheme?

KEY TALKING POINTS:

- The Pacific Australia Labour Mobility (PALM) scheme remains a key program for meeting workforce shortages in low-wage and semi-skilled occupations, particularly in agriculture.
- The Australian Government has committed to reforming the PALM scheme to make it more attractive to employers facing workforce shortages and to Pacific workers interested in participating in the scheme.
- On 25 October 2022, as part of the Federal Budget, the Government announced a number of measures to expand and enhance the PALM scheme, including:
 - underwriting employers' investment in upfront travel costs for seasonal workers by covering costs that cannot be recouped from workers
 - improving workplace standards for PALM workers, including increased workplace compliance activities
 - allowing PALM workers on long-term placements to bring partners and children to Australia, subject to the Australian sponsor's agreement
 - expanding the existing aged care skills pilot programs for aged care PALM workers.
- The reform to the PALM scheme also incorporates the inclusion of key features of the Australian Agricultural Visa to grow the size of the scheme.
 - Currently, there are more than 31,500 workers in Australia from nine Pacific Island countries and Timor-Leste supporting Australia's critical industries.
 - The Government will seek to increase the number of PALM scheme workers in Australia to approximately 35,000 by June 2023.

If asked: How will the Government improve conditions for Pacific workers?

- The Government takes all allegations of worker mistreatment seriously. All PALM scheme workers are protected by the same workplace rights and laws as Australians, including minimum rates of pay and conditions.
- The Government is committed to improving workplace standards for PALM scheme workers, and we are increasing workplace compliance activities and reviewing compliance and assurance measures to improve workers' welfare and to strengthen worker protections.

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

PACIFIC AUSTRALIA LABOUR MOBILITY SCHEME

If asked: How will the Government manage disengaged Pacific workers?

- PALM scheme workers found working for a non-approved employer under the scheme are educated about their visa conditions in the first instance and then referred to the lead agencies for reconnection into the program.

If asked: Can PALM scheme workers assist with workforce shortages in aged care?

- The PALM scheme is open to eligible employers in all sectors. In addition to agriculture, there are growing opportunities for Pacific workers to work in other sectors such as hospitality, tourism, and the care sectors.
- The Government is committed to increasing investment in training for aged care workers as well as supporting Australian aged care employers to recruit more workers through the PALM scheme.

If asked: How will the Government alleviate labour shortages in the agriculture sector?

- In addition to the PALM scheme there are a range of visa programs, including industry specific labour agreements, that eligible employers and the agriculture sector can use to access migrant workers to fill skilled, semi-skilled and low-wage occupations.

If asked: Why have the Australian Agriculture Visa regulations been repealed?

- In line with the Government's election commitment to relocate the former Australian Agriculture Visa program into the PALM scheme, on 1 October 2022, the Government repealed the Australian Agriculture Visa through introducing the *Migration Amendment (Repeal of Australian Agriculture Worker Stream) Regulations 2022*.

If asked: What feature of the former Australian Agriculture Visa will be incorporated into the reformed PALM scheme?

- The Government will continue to work closely with industry, unions and community representatives to co-design changes to PALM scheme settings to reflect the needs of the agriculture sector and make it more attractive for businesses.
- Key features will be discussed and negotiated with stakeholders – details will be forthcoming in the coming weeks and months.

If asked: How will the Government honour the Memorandum of Understanding with Vietnam in regards to the former Agriculture Visa?

- The Australian Government and the Government of Vietnam are in discussion on how to deliver on this commitment – details will be forthcoming following agreement.

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HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

PACIFIC AUSTRALIA LABOUR MOBILITY SCHEME

BACKGROUND AND CHRONOLOGY

- On 4 April 2022, the two existing PALM initiatives, the Seasonal Worker Programme (SWP) and Pacific Labour Scheme (PLS), were consolidated under a single PALM visa stream within the Subclass 403 Temporary Work (International Relations) visa.
- The PALM scheme is managed by the Department of Foreign Affairs and Trade (DFAT) and the Department of Education and Workplace Relations (DEWR) with the support of the Pacific Labour Facility (PLF).
- On 1 July 2022, as part of broader machinery of government changes, operational elements of the PALM scheme were transferred from the DFAT to DEWR.

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Division: Immigration Programs
Date first prepared: 25 July 2022
Originating Source: (HA)

Phone: s. 22(1)(a)(ii)
Action Officer: s. 22(1)(a)(ii)
Date last Updated: 2/03/2023 - 3:46 PM

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
MONTGOMERY HIGH COURT CASE

KEY TALKING POINTS:

- On 28 July 2022 the Commonwealth discontinued the *Montgomery* High Court appeal, brought by the previous government.
- That leaves the High Court's previous decision in *Love and Thoms* undisturbed.
- *Love and Thoms* has been the law of the land for more than two years now and the government will not seek to overturn it.

If asked: Why did the Commonwealth discontinue the appeal?

- A delegate of the Minister decided to revoke the cancellation of Mr Montgomery's visa and the appeal was discontinued as a consequence of that decision.

BACKGROUND AND CHRONOLOGY – MONTGOMERY

- Mr Montgomery is a New Zealand national who arrived in Australia in 1997. In 2018, his Special Category visa (SCV) was mandatorily cancelled under the character provisions of the Act on the basis of his criminal record. Mr Montgomery was detained after his release from gaol. On 7 May 2020, the former Minister decided not to revoke the cancellation.
- Mr Montgomery claims membership of the Mununjali people and recognition as such by elders or others enjoying traditional authority among those people (the second and third limbs of the tripartite test) but has never provided evidence of 'biological descent' from an Aboriginal Australian.
- On 15 November 2021, the Federal Court ordered Mr Montgomery's release from detention and quashed the Minister's non-revocation decision.
- On 25 November 2021, the former Ministers filed an appeal which was subsequently removed to the High Court. The appeal was heard on 6–7 April 2022.
- On 28 July 2022, the Ministers' discontinued the appeal.

BACKGROUND AND CHRONOLOGY – HOBSON

- On 15 September 2022, the Minister for Home Affairs discontinued the related appeal pending in the Full Federal Court, *Commonwealth of Australia v Hobson*.
- Mr Hobson is a New Zealand national who first arrived in Australia in 1991. On 12 November 2020, the former Minister cancelled Mr Hobson's SCV under the character provisions of the Act, reasonably suspecting he has been a member of a group involved in criminal conduct (the Rebels Outlaw Motorcycle Gang).

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
MONTGOMERY HIGH COURT CASE

- Mr Hobson self-identifies as a member of the Dharug people, claims recognition as such by elders among those people, and claims biological descent from an Aboriginal Australian.
- On 14 April 2022, the Federal Court ordered Mr Hobson's release from detention. Mr Hobson's application for revocation of the cancellation of his visa remains pending before the Department.
- Since the High Court's judgment in Love and Thoms, and as at 17 November 2022, **13** non-citizens have been released from immigration detention on the basis that they meet, or the detaining officer suspects they meet, the tripartite test:

Surname	Given Names	Gender	DoB	Nationality
s. 47F(1)				
HIRAMA	Jonathan Kingi	M	29/12/2988	NEW ZEALAND
THOMS	Brendan Craig	M	16/10/1988	NEW ZEALAND

- Five** non-citizens have been released from immigration detention directly or indirectly as a result of Court judgments concerning whether it was reasonable for officers to suspect non-citizens were aliens in particular circumstances, but did not involve conclusions that they meet the tripartite test. These individuals may still be required to be detained in the future, in the event further enquiries demonstrate more conclusively they do not meet the tripartite test, and they do not hold visas.

Surname	Given Names	Gender	DoB	Nationality
HOBSON	Jackie Dean	M	5/10/1968	NEW ZEALAND
s. 47F(1)				
MONTGOMERY	Shane Paul	M	18/12/1981	NEW ZEALAND
McHUGH	Edward Vainepoto	M	31/01/1968	NEW ZEALAND
s. 47F(1)				

Lead Division

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Date first prepared: 28 July 2022

Originating Source: (MO)

Phone: S. 22(1)(a)(ii)

Action Officer: S. 22(1)(a)

Date last Updated: 28/11/2022 - 8:57 AM

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

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

PROCESSING AFGHAN HUMANITARIAN CASELOAD**QUESTION: WHY ISN'T THE GOVERNMENT DOING MORE TO GRANT HUMANITARIAN VISAS TO AFGHANS?****KEY TALKING POINTS:**

- The Afghan caseload continues to be a key priority under the offshore humanitarian program (the Program).
 - Afghanistan has been in the top five countries of origin in the Program each year over the past five years.
 - Since the Taliban takeover of Afghanistan in August 2021, the Government has set aside 26,500 dedicated places for Afghan nationals.
 - 16,500 of these places will be delivered in addition to the annual program over four years starting 2022-23 (4,125 per year);
 - 10,000 places have been allocated within the Program to be delivered between 2021-22 and 2024-25;
 - Since the fall of Kabul (15 August 2021 to 25 November 2022), 8148 permanent humanitarian visas have been granted to Afghan citizens under the offshore component of the program.
 - Between 01 July and 25 November 2022, 3284 Class XB visas have been granted to Afghan citizens.
 - The Department has received an unprecedentedly high number of applications in the wake of the fall of Kabul to the Taliban.
 - The high volumes of incoming applications has created a delay in the registration of applications;
 - More than 37,200* Humanitarian visa applications for over 173,800* Afghan nationals have been lodged since 15 August 2021.
- *Includes unregistered applications. These numbers remain subject to confirmation of application validity and numbers of applicants.*
- Within the 26,500 places for Afghan nationals under the Program, priority will be given to:
 - former certified Locally Engaged Employees (LEE) and their immediate family members; and
 - women and girls, ethnic minorities, and LGBTQI+ and other identified minority groups.

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

PROCESSING AFGHAN HUMANITARIAN CASELOAD**Further Talking points**

- As at 25 November 2022, more than 35,000 applications from 163,900 Afghans have been lodged, registered and acknowledged.
 - In addition, there were approximately 2200 applications (estimate of 9,900 applicants*) still to be registered and acknowledged.
 - 93.3 per cent of the applications lodged in Australia since 17 August 2021 by Afghan citizens have been registered.

**Unregistered applications have been estimated to include an average of 4.5 people per applications. These numbers remain subject to confirmation of application validity and numbers of applicants.*

Note: there has been a significant drop in the number of applications both onhand and requiring finalisation following a deep dive of all applications onhand. Invalid, duplicate and non-Afghan applications have been excluded from the figures.

- The Department has put in place a number of additional measures to process applications, including additional staff, focused exclusively on processing applications from Afghan nationals.

If asked: why applications made by Afghans in Afghanistan are not being granted?

- Consistent with the UNHCR approach to resettlement, the offshore Humanitarian Program is designed primarily to resettle individuals who are located outside their home country.
- In addition, for applicants residing in Afghanistan there are also several administrative and logistical barriers:
 - The Department does not have a presence in Afghanistan. There are no facilities in Afghanistan to enrol applicants' biometrics, conduct comprehensive visa interviews or verify identity and civil documents.
 - The International Organization for Migration (IOM) - a key resettlement partner responsible for arranging visa medical examinations, cultural orientation and flights to Australia for humanitarian applicants - does not have a presence in Afghanistan due to the prevailing security situation.

If asked: From which countries are Afghans being resettled?

- Australia's resettlement program for Afghans is concentrated in the neighbouring countries of Afghanistan, especially Pakistan and Iran. Australia also considers UNHCR referred Afghan applicants in Turkey, India, Thailand and Malaysia.

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

PROCESSING AFGHAN HUMANITARIAN CASELOAD

If asked: Are Afghans who worked with the Australian government (Afghan LEEs) continuing to be resettled?

- The Department continues to offer priority processing to certified Afghan LEEs. All applications are assessed against relevant criteria. Applicants must meet health, character and national security checks for a visa grant.
- All certified LEE who had lodged an application with the Department by July 2021, had either been granted or were provided a subclass 449 visa to enable them to access the evacuation flights that moved over 4,100 people out of Kabul.

If asked: Have any Afghans who worked for the Australian government (Afghan LEEs) been granted since the election?

- The Department continues to process humanitarian visa applications for Certified Afghan LEE and a significant number have been granted since the election in May this year.

Application and grants tables**Class XB lodgements and grants, 15 August 2021 to 25 November 2022**

Stream	Subclass	Lodgements (Registered and Acknowledged)	Grants
Refugee	Refugee (subclass 200)	7,993	1,494
	In-country Special Humanitarian (subclass 201)	118,884	5,390
	Emergency Rescue (subclass 203)	<5	<5
	Woman At Risk (subclass 204)	438	327
	<i>Refugee Total</i>	<i>127,319</i>	<i>7,215</i>
SHP	Global Special Humanitarian (subclass 202)	33,267	933
Total		160,586	8,148

Class XB grants 2022–23 (as at 25 November 2022)

Stream	Subclass	Grants
Refugee	Refugee (subclass 200)	327
	In-country Special Humanitarian (subclass 201)	2,382
	Emergency Rescue (subclass 203)	0
	Woman At Risk (subclass 204)	112
	<i>Refugee Total</i>	<i>2,821</i>
SHP	Global Special Humanitarian (subclass 202)	463
Total		3,284

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HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
PROCESSING AFGHAN HUMANITARIAN CASELOAD

Class XB grants to certified Afghan LEE and their families, 2012–13 to 2022–23 (as at 25 November 2022)

Program Year	Certified LEE applications	Total applicants (LEE and Families)
2012–13	0	0
2013–14	209	554
2014–15	30	57
2015–16	41	143
2016–17	20	84
2017–18	26	108
2018–19	33	137
2019–20	29	121
2020–21	66	275
2021–22	176	776
2022–23	30	155
Total	660	2,410

**Ongoing analysis of this cohort is being undertaken to identify applicants that previously were not reported as part of this cohort. Therefore numbers may differ to those provided previously, or for future requests.*

Notes:

1. This information is provided by the Department of Home Affairs and was extracted from departmental systems on 28 November 2022. 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. Cells with values of less than 5 are masked in accordance with Departmental data release protocols.
3. Lodgements numbers included in the above table do not include applications that were received by the department and are still to be registered in systems. Lodgements data for 2021-22 is dynamic so that the backlog of applications being registered are included in reporting. Numbers may differ to previous or future requests.
4. The citizenship of principal visa applicants is applied to secondary visa applicants.

Lead Division

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Division: Refugee, Humanitarian and Settlement

Division

Date first prepared: 23 August 2022

Originating Source: (MO/HA)

Phone: S. 22(1)(a)(ii)

Action Officer: Jill Ogden

Date last Updated: 2/03/2023 - 3:46 PM

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

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
WORK RIGHTS ON BRIDGING VISAS

QUESTION: How does a Bridging visa holder get work rights?

KEY TALKING POINTS:

- A person's ability to work while in Australia as a Bridging visa (BV) holder will be determined by the visa conditions that are imposed on their BV at the time of grant.
 - For the majority of cases, if a condition applied to the most recent substantive visa held by the person, it is applied to the BV.
 - In most cases, Bridging visas A, B or C granted in association with permanent visa applications do not have any conditions attached to them.
 - If a person holds a BV that prevents them from working, or limits the number of hours they can work, they are able to apply for a new BV seeking removal of the condition restricting their ability to work. Such applications are assessed on a case by case basis, and the applicant must satisfy all of the relevant legislative criteria, including that they are found to be suffering from financial hardship.
 - Approximately 90 per cent of all BVA, BVB and BVC holders have work rights.
-
- Like substantive visas, Bridging visas may be granted with conditions attached. In the majority of cases, the conditions that were attached to the previous substantive visa may "carry over" to the Bridging visa.
 - In addition, BV holders (excluding Bridging E visa holders) have unlimited study rights.
 - A Bridging E visa (BVE) is not intended as a work visa to facilitate long term employment or study, and not all BVEs are granted with work or study rights.
 - If a non-citizen is making arrangements and departure is reasonably practicable, work entitlements would generally be restricted on a BVE as these entitlements are generally inconsistent with the achievement of a departure outcome.
 - Where it is anticipated that a person will be in the Australian community for an extended period of time, permission to work will generally be provided for a BVE holder so they can financially support themselves while arrangements for their departure are progressed.

If asked: How many BV holders are currently in Australia

- On 31 October 2022, there were 386,327 Bridging visa holders in Australia.

HOME AFFAIRS
QUESTION TIME BRIEF (QTB)
WORK RIGHTS ON BRIDGING VISAS

If asked: Why don't BV holders get the same Government support for education and childcare subsidies as permanent residents?

- Bridging Visas do not confer the same level of access to many payments and services available to Australian Citizens or permanent residents, as they are designed as temporary visas while awaiting final case resolution.
- The Department of Home Affairs does not set the fee scale for education, or the eligibility to access social services. These are set by the relevant Departments.
- The Government expects that if a bridging visa holder has work rights and has the capacity to work, they will support themselves.
- Bridging Visa holders, if eligible, can apply for entry to the Status Resolution Support Services program, which can include access to education for school aged children, accommodation and financial support.

BACKGROUND AND CHRONOLOGY

- Bridging visas allow visa applicants to remain lawfully in Australia while their visa application is being processed or while unsuccessful applicants seek review of a refusal decision.
- The majority of BVs granted are BVAs, with a peak reached on 31 March 2022 at 306,759 compared with 31 October 2022 at 268,862, a decrease of 12.4 per cent.
- Clients are eligible for a BVE in conjunction with a Protection (subclass 866) visa application, but these are usually granted without permission to work.
- Depending on their individual circumstances, BVE holders may be able to apply for a further BVE with permission to work on the basis that they have a compelling need to work (defined as being in 'financial hardship').

Lead Division

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Division: Immigration Programs

Date first prepared: 06 September 2022

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Date last Updated: 2/03/2023 - 3:46 PM

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Contact: S. 22(1)(a)(ii), acting Assistant

Secretary, Status Resolution Branch

Division: Status Resolution and Visa Cancellation
Division

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Action Officer: S. 22(1)(a)(ii)

Date last Updated: 2/03/2023 - 3:46 PM

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QUESTION TIME BRIEF (QTB)
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KEY TALKING POINTS:

- The Government respects the privacy obligations that apply in respect of revealing personal information and so does not comment on individual cases.
 - Australia has a sovereign right to determine whether non-citizens of character, integrity or security concern are allowed to enter or remain in Australia. Visa cancellation and refusal powers are a valuable mechanism in the system ensuring the protection of the community and maintaining the integrity of Australia's immigration program and borders.
 - When a visa is cancelled under s133C of the Migration Act 1958 (the Act) the non-citizen can seek revocation of the cancellation. The Act empowers the Minister personally to revoke a cancellation decision made under s133C if a request is made within the prescribed timeframe and the person satisfies the Minister that the ground for cancelling the visa does not exist.
-
- When considering a revocation in these circumstances, the Minister will carefully consider all the circumstances and facts, including any new information that was not available to the decision-maker at the time of the original visa cancellation decision.
 - The original decision may be revoked if the Minister is satisfied that, at the time they make their decision, the ground for cancelling the visa no longer exists. A decision to revoke a visa cancellation does not mean the original decision to cancel was incorrect or affected by legal error.

Will an exclusion period prevent the grant of a further visa?

- Yes, exclusion periods apply under Public Interest Criterion 4013 (PIC 4013) and Special Return Criterion 5002 (SRC 5002) which are criteria for the grant of most temporary visas.
- PIC 4013 prevents the grant of a visa where a visa previously held by the person was cancelled and the application for the further visa was made within 3 years of the cancellation, unless the delegate is satisfied that either there are compelling circumstances that affect the interests of Australia, or compassionate and compelling circumstances that affect the interests of an Australian citizen, Australian permanent resident or eligible New Zealand citizen, justify the granting of the visa.
- SRC 5002 prevents the grant of a visa to a person who has been removed from Australia where the application for the visa was made within 12 months of the removal, unless the delegate is satisfied that either there are compelling

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circumstances that affect the interests of Australia, or compassionate and compelling circumstances that affect the interests of an Australian citizen, Australian permanent resident or eligible New Zealand citizen, justify the granting of the visa.

Will an exclusion period continue to apply if the visa cancellation is revoked?

- The 3 year exclusion period in PIC 4013 will not apply if the cancellation is revoked.
- The 12 month exclusion period in SRC 5002 will apply if the cancellation is revoked. However, SRC 5002 will be met if the delegate is satisfied that either there are compelling circumstances that affect the interests of Australia, or compassionate and compelling circumstances that affect the interests of an Australian citizen, Australian permanent resident or eligible New Zealand citizen, to justify the granting of the visa.
- An assessment of the compassionate and compelling circumstances for the purposes of PIC 4013 or SRC 5002 cannot be made until a further visa application is made. The decision is made on case by case basis based on the evidence provided by the applicant.

BACKGROUND AND CHRONOLOGY

- From 15 December 2021, travellers to Australia were required to comply with Covid-19 vaccination requirements on entry to Australia. These vaccination requirements have since been removed, and producing evidence of vaccination against Covid-19 is no longer a requirement for entry to Australia.
- On 6 January 2022, Mr DJOKOVIC's visa was cancelled by a Department delegate for reasons related to his lack of vaccination against COVID-19. Mr DJOKOVIC was detained under section 189 of the Act, pending removal from Australia.
- On 6 January 2022, Mr DJOKOVIC sought judicial review of the delegate's decision to cancel his visa and on 10 January 2022, the cancellation decision was quashed. Mr DJOKOVIC's visa was reinstated, and he was released from immigration detention.
- On 14 January 2022, Mr DJOKOVIC's visa was cancelled by the former Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, under s133C of the Act and an application for judicial review was lodged on the same day. The application was dismissed by a Full Court of the Federal Court on 16 January 2022.

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- On 16 January 2022, Mr DJOKOVIC was removed from Australia under section 198(1) of the Act.
- On 11 February 2022, Mr DJOKOVIC lodged a request for revocation of the cancellation decision in accordance with the Migration Act.
- As of 6 July 2022, all COVID-19-related Australian border restrictions under the Biosecurity Act have been removed, including the requirement to declare COVID-19 vaccination status to enter Australia.
- On 12 August 2022, Mr DJOKOVIC made further representations in support of the request.
- On 28 September 2022, after considering all relevant factors, the Minister for Immigration, Citizenship, and Multicultural Affairs was satisfied that the ground for cancelling the visa no longer exists and revoked the cancellation decision under section 133F(4) of the Migration Act. The power under section 133F(4) may only be exercised by the Minister personally.
- On 26 October 2022 Tennis Australia commenced inviting participants for the Australian Open 2023, including Mr Djokovic.
- On 8 November 2022, Mr Djokovic lodged an application for a Temporary Activity (subclass 408) Invited Participant visa. The application addressed issues related to Mr Djokovic's removal and deportation and compelling circumstances to return to Australia, and whether or not an outstanding debt to the Commonwealth relating to the court costs exists.
- On 15 November 2022, Mr Djokovic was granted the visa by a delegated officer of the Department of Home Affairs.

Lead Division
Contact: FAS Michael Willard
Division: Immigration Programs Division
Date first prepared: 19 September 2022
Originating Source: (MO/HA)

Phone s. 22(1)(a)(ii)
Action Officer: Karin Maier
Date last Updated: 2/03/2023 - 3:46 PM

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PDR No. QB22-000252

HOME AFFAIRS

QUESTION TIME BRIEF (QTB)

**DEATH OF NEW ZEALAND CITIZEN SUBJECT TO VISA
CANCELLATION**

KEY TALKING POINTS:

- The Australian Government is aware of the recent report of the death of a New Zealand citizen and offers its condolences to his family and loved ones. Given the circumstances of the death, it is possible that it will be the subject of a coronial investigation and as is normal practice, the Department is not able to comment any further on the matter.
- The Australian Government takes seriously its responsibility to protect the Australian community from the risk of harm posed by foreign nationals who engage in criminal conduct or behaviour of concern.
- All non-citizens who hold a visa and engage in criminal activity or other serious misconduct, regardless of how long they have resided in Australia or their nationality, may be considered for visa cancellation.
- The Australian Government acknowledges New Zealand's concerns around the removal of New Zealand citizens who have spent most of their formative years in Australia and have limited links to the New Zealand community.
- The Government is currently considering how a common sense approach can be applied to the consideration of removal of New Zealand citizens who are cancelled under section 501 of the Migration Act. This approach will balance their ties to New Zealand, the length of time they have substantially lived in Australia and their ties to Australia.

BACKGROUND

Background information has been provided to the Minister's office via a ministerial submission.

Lead Division

Contact: FAS Justine Jones

Division: Status Resolution and Visa Cancellation

Division

Date first prepared: 19 September 2022

Originating Source: (MO/HA)

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

Action Officer: s. 22(1)(a)(ii)

Date last Updated: 2/03/2023 - 3:47 PM

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