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Australian Government
Department of Home Affairs

Submission

For decision

PDMS Ref. Number: MS23-000464

Date of Clearance: 29/08/2023

To Minister for Immigration, Citizenship and Multicultural Affairs
Subject Health and character policy flexibility - temporary visa applicants in Australia
Timing For consideration by 15 September 2023.

Recommendations

That you:

1. note the effect of the health and character flexibility for temporary visa applicants in Australia;
2. agree to cease health and character policy flexibility for temporary visa applicants in Australia from 01 November 2023 as set out in paragraph 12;
3. agree that the Department of Home Affairs engage further with health authorities to develop more detailed advice on the application of a Canadian style model to health assessments in Australia; and
4. agree to the Department of Home Affairs initiating work on exploring alternate service delivery models which will require procurement of new migration medical services and ongoing funding.

noted /
please discussagreed / not agreed /
please discussagreed / not agreed /
please discussagreed / not agreed /
please discuss**Minister for Immigration, Citizenship and Multicultural Affairs**

Signature.....

Date...../...../2023

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Minister's Comments

Could you please arrange a briefing re Recs 3+4, to discuss these in greater detail, given potential risks and costs?

Key Issues

1. On 23 September 2022 you agreed to policy flexibility for temporary visa applicants in Australia to meet health and character requirements (MS22-001939). This submission provides a review of these requirements and updates recommendations about them.
2. These measures have had a major impact in reducing the backlog of on-hand applications in Australia. As immigration flows have returned to normal, it is now time to revisit these measures in light of advice from public health authorities.

Visa backlog reduction and risks

3. This policy flexibility resulted in streamlined visa decision making and a reduction in the number of bridging visa holders. Temporary visa applications on-hand in Australia decreased from over 251,000 on 31 August 2022 to 41,998 on 30 July 2023. Without this approach, many of this cohort would have continued to wait in Australia on a bridging visa for a visa outcome.
4. Over 2022-23, some 1,327,370 visa applicants have undertaken an immigration medical examination (IME), a 38% increase from 2021-22.
 - a. Of these, 352,490 were for onshore applicants, a decrease of 15% from the same period in 2021-22 (414,782 onshore applicants).
 - i. 195,969 were for permanent visas and 156,394 were for temporary visas (plus 127 Ministerial Interventions), compared to 125,348 and 289,146 respectively (plus 288 Ministerial Interventions) for 2021-22.
 - ii. 960 onshore applicants failed to meet the Health requirement, compared to 851 in 2021-22. (Note: date of IMEs and date of a failed health requirement may occur in different program years.).
 - b. 974,880 IMEs were for offshore applicants, an increase of 79% from the same period in 2021-22 (545,997 offshore applicants).
 - i. 161,926 were for permanent visas and 812,952 were for temporary visas (plus two Ministerial Interventions), compared to 85,864 and 460,121 respectively (plus 12 Ministerial Interventions) for 2021-22.
 - ii. 1,307 offshore applicants failed to meet the Health requirement, compared to 928 in 2021-22. (Note: date of IMEs and date of a failed health requirement may occur in different program years.)

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5. Of relevance, the Department of Home Affairs (the Department) has reviewed the country TB-risk list in the Health Matrix, in line with the latest WHO data.
6. As result of this review, from 1 July 2023, 18 countries moved from the higher to lower TB-risk list (Anguilla, Armenia, Belarus, Bosnia and Herzegovina, Cabo Verde, Comoros, Guam, Guatemala, Honduras, Iraq, Latvia, Lithuania, Maldives, Saint Vincent and the Grenadines, Suriname, Syrian Arab Republic, Togo and Vanuatu and 2 countries (Kosovo and Niue) will move up to the higher TB-risk list.
7. The change has resulted in a total of 126 countries now classified as lower TB-risk for IME screening purposes, compared to 110 lower TB-risk countries in the former Health Matrix. Migration Health modelling shows the changes to the TB-risk country list will result in less visa applicants being required to undertake IMEs, and will support further streamlining of visa processing.

Clinical Health issues raised to justify ceasing policy flexibility

8. Risks of this policy flexibility were outlined in MS22-001939. Due to the time lag in National Notifiable Disease Surveillance System Data, there is currently little evidence of any identified risks. Further time would be required to fully assess impacts of the policy change.

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Character policy

17. In respect of character arrangements, the Department continues to improve information sharing with Australian law enforcement, particularly for more serious crimes committed by non-citizens in Australia. The ceased policy flexibility for character requirements will see temporary visa applicants required to provide Australian and overseas police clearance certificates when seeking a greater than twelve month stay which will support the detection of recent serious character concerns. Students, temporary graduates, working holiday makers and visitors granted short stays were already exempt from providing police certificates, prior to this policy flexibility.

Impact on the provider of onshore visa and migration medical services

18. The policy change and reduction in IMEs in Australia has impacted the operations of Bupa Health Services Pty Ltd (Bupa). Bupa signed a contract with the Department for the provision of onshore visa and migration medical services (the MMSP Contract), which commenced on 1 July 2022. Details of the service impacts were set out in MS22-002887.
19. As flagged in previous briefings, the Department has approved a three percent temporary increase to Bupa's Client Price List (CPL) from 1 July 2023. This is in addition to the previously approved (MS22-002887) temporary 25 percent CPL increase. The total 28 percent temporary increase is, to help mitigate the ongoing impacts of the policy flexibility. The additional three percent increase follows further analysis of data undertaken by the Department to ensure the CPL increase was relative to the impact the temporary policy is having on Bupa's operations and their ability to continue supporting visa processing. **Attachment D** provides the temporary CPL.

20. Should the Department advise Bupa by notice in writing that the policy change has been reversed or otherwise has ceased to apply prior to 31 October 2023 (Policy Change Notice), the CPL will revert to the base CPL under the contract and will apply from the date of the Policy Change Notice.
21. You asked the Department to consider MMSP Contract options should the temporary policy change be extended or made permanent. The MMSP Contract is a no direct financial cost model to the Department. All of the work it undertakes, including Medical Officer of the Commonwealth opinions for offshore health cases and assurance of offshore panels, is funded through the CPL fees paid to Bupa by visa applicants who undergo an IME in Australia.

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Background

25. Visa applications on-hand in Australia are listed by category in Table 1:

Table 1 – Temporary visa applications on-hand (client in Australia) – BP0001 and BP0072

Temporary visa	31 August 2022	30 June 2023
Student (subclass 500)	79,950	18,714
Pandemic Event (subclass 408)	68,600	8,243
Temporary Graduate (subclass 485)	65,900	6,416
Visitor (subclass 600)	16,100	2,617
Working Holiday Visas (subclass 417 and 462)	5,200	675
Other	15,900	5,333
Total	251,635	41,998

Consultation – internal/external

26. Health Services Division and Status Resolution and Visa Cancellation Division have provided input into this submission.

Consultation – Secretary / Associate Secretary

27. The Secretary was not consulted on the approach in the submission.
28. The Associate Secretary was consulted on the approach in this submission.

Client service implications

29. Should you agree, the changes will require more applicants to undertake an IME or complete police checks. This will have an impact applicant processing effort and processing times. Given the overall improvements in processing times however, the impact is manageable.

Risks and Sensitivities

30. Risks of the policy flexibility were outlined in MS22-001939 and MS22-002887 and remain current. There is also a risk that the move to reintroduce onshore IMEs for all temporary visa applicants may provoke criticism from visa applicants. The Department of Home Affairs assessment is that this approach is justifiable in the context of the extraordinary circumstances presented as Australia emerged from the COVID period and international travel resumed.

Financial/systems/legislation/deregulation/media implications

31. Should you agree to the proposed approach, the Department will publish a notice on the website and will provide information to Migration Agent peak bodies. The Department will consider other communication activities to ensure all key stakeholders are aware.

Attachments

- Attachment A** Correspondence from National Tuberculosis Advisory Committee
- Attachment B** Correspondence from the Commonwealth Acting Chief Medical Officer
- Attachment C** Health Matrix for onshore temporary visa applicants
- Attachment D** Current Client Price List
- Attachment E** Analysis of MMSP service delivery options

Authorising Officer

Cleared by:

Michael Willard
Group Manager
Immigration Operations Group
s. 22(1)(a)(ii)

Lee-anne Monterosso
First Assistant Secretary
Health Services Division
s. 22(1)(a)(ii)

Date: 29/08/2023

Contact Officer: s. 22(1)(a)(ii), Senior Director, Immigration Program Management Branch,
Ph: s. 22(1)(a)(ii).

CC Minister for Home Affairs, Minister for Cyber Security
Secretary
Associate Secretary
General Counsel, Legal Group
First Assistant Secretary, Status Resolution and Visa Cancellation Division
First Assistant Secretary, Health Services Division



Australian Government

Department of Health and Aged Care

Chief Medical Officer

Justine Saunders APM
Chief Operating Officer
Australian Government Department of Home Affairs
via email: **s. 22(1)(a)(ii)**@homeaffairs.gov.au

Dear Ms Saunders

s. 47C(1)

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¹ <https://www.who.int/teams/global-tuberculosis-programme/tb-reports/global-tuberculosis-report-2022/covid-19-and-tb>

² [Communicable Diseases Intelligence - The Strategic Plan for Control of Tuberculosis in Australia, 2021-2025 \(health.gov.au\)](#)

³ [Communicable Diseases Intelligence - The Strategic Plan for Control of Tuberculosis in Australia, 2021-2025 \(health.gov.au\)](#)

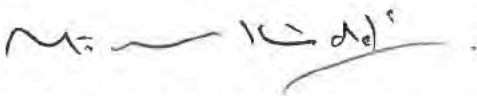
⁴ [Communicable Diseases Intelligence 2020 - Tuberculosis notifications in Australia, 2015-2018 \(health.gov.au\)](#)

⁵

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/about+us/news+and+media/all+media+releases/response+to+tuberculosis+cases+on+ap+lands>

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Yours sincerely



Professor Michael Kidd AM
Acting Chief Medical Officer

22 May 2023

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⁶ <https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/health/threats-to-public-health>

National Tuberculosis Advisory Committee
a subcommittee of the Communicable Diseases Network Australia

Justine Saunders APM
Deputy Secretary and Chief Operating Officer
Australian Government Department of Home Affairs
PO Box 25 Belconnen ACT 2616

via email: s. 22(1)(a)(ii) @homeaffairs.gov.au

Dear Ms Saunders

Temporary cessation of onshore immigration medical examinations for specific visa categories

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Yours sincerely

s. 47F(1)

Chair, National Tuberculosis Advisory Committee

8 March 2023

Copy to: s. 47F(1), Chair, Communicable Diseases Network Australia

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Attachment C-The Health Matrix

Whilst most visa subclasses are subject to meeting the health requirement as set out in Public Interest Criteria 4005 and 4007 (Schedule 4 of the Migration Regulations 1994), not all visa applicants are required to undertake an Immigration Medical examination (IME). Most visa applicants satisfy the health requirement after having completed a health declaration only.

Instrument IMMI 15/144 – Required Medical Assessment, uses a risk based approach to determine the type of IME and processes a visa applicant will need to undergo for the purpose of ‘meeting’ the health requirement. It does not make a distinction between visa applicants applying overseas or from within Australia.

While the Health Matrix does not focus solely on Tuberculosis (TB), the core component is the applicant’s country TB risk level (using WHO collected data on the prevalence rate of TB at a national level). This is assessed together with the applicant’s period of stay in Australia, as it increases the health risks to the community.

Current Health Matrix (IMMI 15/144) – Minimum IME required for visa applicants.

	Temporary stay in Australia of less than 6 months	Temporary stay in Australia of 6 months or more	Permanent and provisional visa applicants
Lower TB risk applicant (A citizen of a country listed in Schedule 1 of the Instrument specified in clauses 4005(1)(aa) and 4007(1)(aa), and who has not spent three or more consecutive months in the last five years in a country not listed in Schedule 1).	No Immigration medical examination required unless special significance applies.	No Immigration medical examination required unless special significance applies.	Applicants must complete a medical examination, chest x-ray (if 11 years or over), HIV test, a serum creatinine/eGFR (if 15 years or over) and any special significance requirements must be met.
Higher TB risk applicant (Any applicant other than above)	No Immigration medical examination required unless special significance applies.	Applicants must complete a medical examination, chest x-ray (if 11 years or over), serum creatinine/eGFR (if 15 years or over) and any special significance requirements must be met.	Applicants must complete a medical examination, chest x-ray (if 11 years or over), HIV test (if 15 years or over), serum creatinine/eGFR (if 15 years or over), TB screening test (if aged from 2 to under 11 years) and any special significance requirements must be met.

Special significance requirements

Visa applicants intending to engage in the activities outlined below will also need to undergo health examinations to assess their health risks.

Situation / intended activity	Required Immigration Medical examinations
Likely to work or be a trainee at an Australian childcare centre (including preschool and creche)	Chest x-ray, a medical examination, latent TB screening test and serum creatinine/eGFR
Intending to work as (or study to be) a doctor, dentist, nurse or paramedic	Chest x-ray, medical examination, HIV, latent TB screening test, serum creatinine/eGFR, Hepatitis B and Hepatitis C
Likely to enter a health care facility and from a higher risk country	Chest x-ray, a medical examination, latent TB screening test and serum creatinine/eGFR
Pregnant and intending to give birth in Australia	Hepatitis B test
Aged 75 years and older (Subclass 600 visitor visas)	Medical Examination and serum creatinine/eGFR



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Attachment D – Temporary Onshore Immigration Medical Examination Client Price List (Temporary CPL) from 1 July 2023 to 31 October 2023

Table 1 – Temporary 28% CPL (applicable 1 July 2023 to 31 October 2023)

Table 1 sets out the temporary 28% increase to the base CPL, which has been approved to mitigate some of the impacts of the temporary streamlined visa policy flexibility. Should this temporary policy flexibility cease, the CPL will revert to the base level and will apply the date of the Policy Change Notice.

Service Description	Current Temporary 28% Fees (to 31 October 2023)	Base Fee (from 1 November 2023 to expiry of Contract)
Medical Examination and Chest X-ray	\$441.70	\$345.10
Medical Examination only	\$318.90	\$249.10
Chest x-ray only	\$164.70	\$128.70
Syphilis (Pathology as part of medical exam)	\$56.30	\$44.00
Hepatitis B (Pathology as part of medical exam)	\$79.40	\$62.00
Hepatitis C (Pathology as part of medical exam)	\$79.40	\$62.00
HIV (Pathology as part of medical exam)	\$68.60	\$53.60
TB Screening Test Interferon-Gamma Release Array (IGRA)	\$126.00	\$98.40
Paediatric Chest x-ray – 2 x Chest x-rays comprised of Posterior Anterior (PA) and Lateral view	\$171.30	\$133.80
Chest x-ray Lordotic view	\$164.70	\$128.70
HIV Pathology (not part of a medical exam)	\$111.50	\$87.10
Hep B Pathology (not part of a medical exam)	\$122.10	\$95.40
Hep C Pathology (not part of a medical exam)	\$122.10	\$95.40
Syphilis Pathology (not part of a medical exam)	\$99.20	\$77.50
Liver Function Tests (LFTs) (supplementary testing)	\$41.70	\$32.60
Serum Creatinine (supplementary testing)	\$22.90	\$17.90
Hepatitis C RNA testing (supplementary testing)	\$222.60	\$173.90
Hepatitis B DNA testing (supplementary testing)	\$296.40	\$231.60

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Table 2 - In-Home Assessment fees (applicable 1 July 2023 to 31 October 2023)

Table 2 sets out the fees for in-home assessments with the 28% temporary increase applied to the base CPL fees.

Service Description	Current Temporary 28% Fees (to 31 October 2023)	Base Fee (from 1 November 2023 to expiry of Contract)
<100kms of the nearest dedicated and/or purpose-built clinic location	\$528.50	\$412.90
100-150kms of the nearest dedicated and/or purpose-built clinic location	\$1,158.70	\$905.20
>150km from the nearest dedicated and/or purpose-built clinic location	To be priced on a case-by-case basis.	To be priced on a case-by-case basis.

Table 3 - Carer Visa Assessment fees (applicable 1 July 2023 to 31 October 2023)

Table 3 sets out the fees for carer visa assessments with the 28% temporary increase applied to the base CPL fees.

Service Description	Current Temporary 28% Fees (to 31 October 2023)	Base Fee (from 1 November 2023 to expiry of Contract)
Carer Visa Examination (in-centre)	\$483.60	\$377.80
Carer Visa Home Examination: Less than 10kms from nearest centre (Zone 1)	\$652.70	\$509.90
Carer Visa Home Examination: 10-20kms from nearest centre (Zone 2)	\$805.40	\$629.20
Carer Visa Home Examination: 20-30kms from nearest centre (Zone 3)	\$961.00	\$750.80
Carer Visa Home Examination: More than 30kms from nearest centre (Zone 4)	\$1,113.60	\$870.00
Carer Visa Assessment (on papers) - This is for exceptional circumstances only.	\$422.70	\$330.20



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Attachment E – Comparative Analysis of Migration Medical Services Provider - Alternate Options

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