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Arrival, immigration clearance and entry – Incoming Passenger Card

Procedural Instruction

This instruction provides guidance on the requirement for, and the collection, administration, use and disclosure of, incoming passenger card information.

Approval Date	29 November 2018
Date of Review	29 November 2019
Contact	s.22(1)(a)(ii)
Document ID (PPN)	BC-639
TRIM Reference	OPD2017/212813

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1. Introduction

1.1. Background

Passenger cards were introduced in 1965 to record the movements of travellers entering and leaving Australia. As part of the Department of Home Affairs' (the Department) innovations towards a more efficient and streamlined process for travellers, since 1 July 2017, travellers departing Australia are not required to complete an outgoing passenger card. The outgoing passenger card was removed by *Migration Legislation Amendment (Measures No. 2) Regulations 2017*.

All travellers, whether Australian citizens or non-citizens (unless exempted), are required to present an incoming passenger card (IPC) ([see Appendix A](#)) to meet immigration clearance requirements under paragraph 166(1)(b) of the *Migration Act 1958* (the Act).

Sub regulation 3.01(2) of the *Migration Regulations 1994* (the Regulations) exempts certain travellers from having to complete the IPC for immigration clearance purposes:

- the classes of travellers specified in Part 1 of Schedule 9 to the Regulations, if the word 'No' appears in Column 4 of the table
- travellers prescribed in Part 2 of Schedule 9 to the Regulations
- a person who enters Australia on a non-military ship and as a member of the crew of that ship, or as a member of the family unit of a member of the crew of that ship.

In addition, crew are exempt from completing an IPC; they complete a Crew Declaration form (B465) ([see Appendix B](#)) instead.

A traveller's completion of an IPC may nonetheless be required by other government agencies. Australian citizens are not required to complete questions relating to their health status and criminal convictions on the IPC.

The collection of information from IPCs is authorised under paragraph 504(1)(c) of the Act. In addition, section 506 of the Act provides for additional information that can be requested from non IPCs-citizens.

The Department is responsible for printing and distributing the IPCs.

2. Scope

2.1. In Scope

This procedural instruction applies to how to appropriately deal with IPCs by staff in the aviation and maritime environments providing immigration clearance under the Act.

2.2. Out of Scope

Clearance of travellers and/or goods under the *Customs Act 1901* (the Customs Act).

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3. Glossary

Table 1 – Common terms and definitions used in this instruction

Term	Acronym (if applicable)	Definition
Australian Border Force	ABF	As defined in section 4 of the <i>Australian Border Force Act 2015</i> The ABF is the part of the Home Affairs Department and is responsible for, amongst other things, investigations, field compliance, immigration detention and removal operations across Australia's air and seaports, and land and maritime domains.
Australian Border Force officer	ABF officer	This term refers broadly to border clearance officers under section 165 of the Act. There are a number of different ABF officer roles involved in the arrival, immigration clearance and entry processes, such as Border Clearance officers, Visa Determination officers and Supervisors.
Australian Bureau of Statistics	ABS	Is the organisation whose role is to provide key statistics on a wide range of economic, population, environmental and social issues, to assist and encourage informed decision making, research and discussion within governments and the community.
Australian Taxation Office	ATO	Is an Australian government statutory agency and the principal revenue collection body for the Australian Government. It has the responsibility for administering the Australian federal taxation system, superannuation legislation, and other associated matters. Responsibility for the operations of the ATO are within the portfolio of the federal Treasurer.
Australian Transaction Reports and Analysis Centre	AUSTRAC	AUSTRAC is Australia's financial intelligence agency with regulatory responsibility for anti-money laundering and counter-terrorism financing. Identify threats and criminal abuse of the financial system, and act to protect Australia's economy. AUSTRAC work in partnership with industry and government agencies in Australia and overseas to • help keep Australia safe from financial and other serious crime build and maintain trust in Australia's financial system as part of the global community.
Automated Telephone Interpreters Service	ATIS	This is an automated immediate interpreting service for clients who need to access a phone interpreter.

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Term	Acronym (if applicable)	Definition
Border Clearance officer	BCO	This is a specific ABF officer role, which is determined by training and delegated authority. The role was previously referred to as the Primary Line Officer.
Department of Agriculture and Water Resources	DAWR	Is the organisation whose role is to develop and implements policies and programmes to ensure Australia's agricultural, fisheries, food and forestry industries remain competitive, profitable and sustainable.
Department of Infrastructure, Regional Development and Cities	DIRDC	Is the organisation charged with the responsibility for infrastructure and major projects, transport, local government, external territories administration, rural and regional development, population policy and cities.
Department of Public Prosecutions	DPP	Is the office or official charged with the prosecution of criminal offences in several criminal jurisdictions. The office of DPP operates independently of Government. Ultimate authority for authorising prosecutions lies with the Attorney General.
Freedom of information	FOI	The FOI Act provides a right of access to documents held by Australian Government ministers and most agencies. Most FOI requests involve people seeking access to documents containing their personal information. The FOI Act only applies to information held in the form of a document.
Incoming passenger card	IPC	This is a card that contains a traveller's personal details and a declaration of incoming travellers are required to present to a clearance officer under 3.01(3) of the Regulations.
Passenger Analysis Clearance Evaluation System	PACE	Is a system used to process travellers at Australia's international air and seaports.
Regional Seaport Officer	RSO	RSOs are ABF officers responsible for providing secondary immigration clearance support to ABF officers conducting the clearance function for sea travellers, arriving and departing Australia. RSOs provide second level support for complex or outstanding referrals where an operational response is required. RSOs liaise with the BOC and local ABF officers to finalise referrals and provide frontline support and guidance.
Round Trip Cruise	RTC	RTC is the term that is used to describe a voyage that meets section 80 of the <i>Migration Act 1958</i> (Migration Act).
Subclass-444 (Special Category) visa	SCV	As per section 32 of the Act, this is a class of temporary visas, for which the applicant is a New Zealand (NZ) citizen, has

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Term	Acronym (if applicable)	Definition
		presented a valid NZ passport and is neither a behaviour nor a health concern.
Travel and Immigration Processing System	TRIPS	This is a collection of mainframe systems that support the Department's computerised border clearance processing.
Tuberculosis	TB	Is the only disease or condition currently prescribed for the purposes of the HCNC definition in section 5(1) of the <i>Migration Act 1958</i> (Migration Act).
Visa Determination officer	VDO	This is a specific ABF officer role, which is determined by training and delegated authority The role was previously referred to as the Border Entry Officer.

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4. PART A – GENERAL FRAMEWORK

4.1. Use of IPC and outgoing passenger card information

The Department manages IPC and the former outgoing passenger card information requests on behalf of several organisations. The information captured from passenger cards is used by multiple organisations and government agencies, for a diversity of authorised purposes. It is collected for the purposes of various acts, as administered by:

- the Department of Home Affairs
- Department of Agriculture and Water Resources (DAWR)
- Department of Health
- Australian Bureau of Statistics (ABS).

From this Department's perspective, IPCs are:

- a means of immigration control through traveller identification and provision for a declaration in relation to health and character requirements
- a record of a traveller's entry to Australia, which supports and provides additional data complementing the Travel and Immigration Processing System (TRIPS) record
- the application form for the Subclass-44 (Special Category) visa (SCV) (TY-444) at the primary line
- a means of contingency planning for airports when computer systems are unavailable
- a form of evidence in migration proceedings (see section 271(d) of the Act).

4.2. IPC administration

Passenger Card Steering Committee

The Passenger Card Steering Committee is a high level forum at which the strategic direction for the IPC is considered, as well as its content, design and processing issues. The Department chairs the Passenger Card Steering Committee and it includes representatives from DAWR, ABS, the Department of Health, the Department of Infrastructure, Regional Development and Cities (DIRDC), the Australian Transaction Reports and Analysis Centre (AUSTRAC), the Australian Taxation Office (ATO) and several other agencies.

ABF Operations Systems Management Section

The ABF Operations Systems Management Section is responsible for:

- managing the IPC function for the Department and on behalf of other agencies
- administering the Passenger Card Image System access to authorised Departmental officers
- providing training and operational manuals on using the Passenger Card Image System
- providing access to copies of IPCs and outgoing passenger cards to Departmental officers through the Passenger Card Image System.

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Operational Review Coordination and Disclosures Section

The Operational Review Coordination and Disclosure Section is responsible for:

- deciding whether copies of IPC and outgoing passenger card images can be released to external agencies
- managing passenger card data sharing arrangements with authorised agencies
- providing passenger card information for an authorised purpose to authorised external agencies
- providing copies of images to authorised agencies for authorised purposes.

Passenger card data capture and reporting

Automated scanning

Automated scanning of IPCs and outgoing passenger cards collected from all airports and seaports handling overseas arrivals and departures commenced in August 2000. As previously mentioned, up until 30 June 2017, travellers departing Australia were required to complete an outgoing passenger card.

IPCs are collected from major international airports by the contracted service provider and scanned to produce an image of the card. The data from the cards is then matched against existing data holdings to ensure data integrity.

Passenger card processing reporting

IPC processing reporting is done monthly for the previous calendar month, with several reports being prepared at agreed times within the cycle. Regular automated matching of specified IPC data with the Movements System is also required.

Ad hoc electronic reports, some of them time-critical, are regularly required on selected data items. This involves the extracting of name and address data for a particular cohort of travellers. For example, name and address data facility contact tracing in circumstances where a potential public health risk has been identified.

Passenger Card Image System

A database of passenger card data and images is maintained on the Passenger Card Image System by the current service provider.

ABF officers can access these images over a secure connection to:

- perform data matching against movement records
- provide information for an authorised purpose to authorised external agencies
- provide copies of images to authorised agencies for authorised purposes.

PART B – THE IPC REQUIREMENT – THE LEGAL FRAMEWORK

4.3. Section 166 of the Act

Section 166(1)(b) of the Act requires persons (whether an Australian citizen or non-citizen) entering Australia to provide to a clearance authority (defined in section 5(1) with reference to section 165), 'any information' required by the Act. This is contained in regulation 3.01(4). Persons to whom regulation 3.01 applies (whether an Australian citizen or non-citizen), must provide a completed IPC under regulation 3.01(3).

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Those non-citizens (for example, allowed inhabitants of the Protected Zone) to whom regulation 3.01 does not apply (and are therefore exempt from completing an IPC under regulation 3.01(2)), are still required to complete an IPC for section 166 immigration clearance purposes - see regulation 3.03.

Column 4 of Part 1 of Schedule 9 and Part 2 of Schedule 9 operate such that certain persons:

- do not have to complete an IPC and/or
- are exempt from section 166 of the Act's immigration clearance requirements (and the need to complete an IPC).

For more detailed information regarding the legislative framework for IPCs, refer to [Appendix C](#).

4.4. Sections 504 and 506 of the Act

Under regulation 3.01(4) (by authority of section 504(1)(c)), clearance officers can seek information (as prescribed) from any traveller arriving or leaving Australia, unless regulation 3.01 does not apply to that person.

The information includes:

- (a) name
- (b) date of birth, country of birth and citizenship
- (c) citizenship
- (d) sex and marital or relationship status
- (e) usual occupation
- (f) passport number
- (g) Australian visa number (unless they are an Australian citizen or eligible for a SCV)
- (h) arrival aircraft flight number or ship's name
- (i) the country in which the person boarded the aircraft or ship
- (j) the intended address of the person in Australia.

For the purpose of the IPC, all of this information is included in the form except for fields (d) and (g).

Section 506(3) of the Act requires non-citizens (unless exempt) to answer additional questions on the IPC, including questions about:

- health
- criminal convictions in Australia/foreign country
- purpose of arrival in Australia
- unpaid debts to the Commonwealth
- any removal/deportation from or refusal of admission to Australia or foreign country.

The response to these questions can assist to determine a non-citizen's immigration clearance and visa status.

For more detailed information regarding the legislative framework for IPCs, refer to [Appendix C](#).

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4.5. The IPC and SCV

Under section 32 of the Act, a SCV can only be granted to New Zealand (NZ) citizens who hold a valid NZ passport. The IPC contains information necessary for assessing a non-citizen's eligibility for a TY-444 SCV, including health and character questions. Unless using SmartGate, the IPC is the application form for the SCV. Most SCVs are granted and evidenced in immigration clearance and the applicant's accurate completion of the IPC is required to assess the SCV criteria. To be granted a SCV, an applicant must be neither a behaviour concern non-citizen nor a health concern non-citizen.

4.6. The IPC health question

Regulation 3.02(1)(a) requires IPCs to include the following health question that is addressed to non-citizens, "Do you have tuberculosis (TB)?". Section 506(3)(a) of the Act requires all non-citizens to answer this question. All non-citizens entering Australia must either not have TB or be appropriately managing the condition.

A **health concern non-citizen** - see the section 5(1) definition - is a non-citizen who has a prescribed disease - namely, TB (see regulation 5.6) - and:

- this is not being controlled with medication
- the traveller refuses to sign an undertaking to visit a Commonwealth Medical Officer within seven days of entering Australia.

For certain visa holders

For visa holders making their initial entry to Australia, the answer to the health question is also relevant to 'change of circumstances' (section 104 (3) of the Act relating) to the grant of their visa. This is because, with few exceptions, visas have public interest criterion (PIC) relating to the grant of their visa. This is because, with few exceptions, visas have PIC 4005 or PIC 4007 as a Schedule 2 criterion. If the visa holder's health has changed since visa grant, they can use the IPC to advise this Department of that change in circumstances as required by section 104(3).

For certain visa applicants

As part of the assessment for certain visas granted in immigration clearance, a non-citizen may be required to satisfy the PIC 4005 health criterion or another health requirement. No health criterion or similar health requirement applies to special purpose visas.

s. 47E(d)

For SCV applicants

Under section 32 (2)(b), a SCV applicant must be:

- a New Zealand citizen who holds a valid New Zealand passport
- Neither a behaviour concern non-citizen nor a health concern non-citizen.

A Health Concern Non-Citizen - see the section 5(1) definition - is a non-citizen who has a prescribed disease - namely, TB (see regulation 5.6) - and:

- the disease (TB) is not being controlled with medication and
- the traveller refuses to sign an undertaking to visit a Commonwealth Medical Officer within 7 days of entering Australia.

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4.7. The IPC character question

Regulation 3.02(1)(b) requires IPCs to include 'the character question', namely: 'Do you have any criminal conviction/s?'.

As provided for by section 506(3)(b) of the Act, the IPC (Form 15) requires all non-citizens to answer this question. Depending on the non-citizen's immigration status and circumstances, one of several legislative requirements may apply, s. 47E(d)

s. 47E(d) (For more information, see *Procedural Instruction: Arrival, immigration clearance and entry – Immigration clearance at airports and seaports*.)

PART C – COMPLETION OF IPCs

4.8. Overview

All travellers are required to answer accurately the questions on both sides of the IPC. Australian citizens are not required to respond to questions relating to their health, character or migration status.

Border Clearance officers (BCOs) are required to check the IPC has been accurately completed and is consistent with the traveller's travel document and, if applicable, the traveller's visa status and subclass.

4.9. Questions on the front of the IPC

All travellers are required to complete the questions on the front of the IPC regarding:

- Family name
- given name
- passport number
- flight number or name of ship
- intended address in Australia.

If a traveller has not completed these questions, then the BCO can request the traveller to complete the questions.

If a non-citizen has not completed the health and character questions, then the BCO must ask the traveller to complete the questions. s. 47E(d)

If a traveller requires further explanation or the services of an interpreter, then the traveller is to be referred to a VDO.

4.10. Questions on the back of the IPC

Travellers are required to complete the questions relating to:

- country in which they boarded the flight/ ship
- usual occupation
- nationality as shown on the passport
- date of birth.

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Non-citizens are also required to answer a question relating to their migration status - question A, B or C.

4.11. Correct information must be provided on an IPC

The declaration

All travellers who are required to complete a passenger card must sign the declaration that the information provided on the card is true and correct.

Sections 102 and 105 of the Act

Section 102 of the Act requires non-citizens to answer fully and correctly all questions on their passenger card. Failure to do so is a ground for visa cancellation under section 109 of the Act. Section 105(1)(b) of the Act also requires non-citizens to notify an ABF officer in writing as soon as practicable of any incorrect information the non-citizen may have provided on the passenger card.

Correcting information on the IPC

BCOs are expected to help travellers to complete accurately their IPC by:

- explaining the meaning of a question on the passenger card or
- verifying the accuracy of answers and, then if required, asking the traveller to amend their answer so it is correct.

BCOs are expected to ensure the travellers understand and complete the health and character questions on the passenger card correctly as the answers to these questions can result in visa cancellation and the refusal of immigration clearance.

BCOs are not to correct any fields completed on a passenger card. If a non-citizen is unsure, misunderstands the question or requires translation, they are to be referred to a VDO.

4.12. Completion of IPC by third party

Regulation 3.01(3)

Under regulation 3.01(3)(a)(i), if a traveller is in charge of another traveller on a flight/vessel, the traveller in charge is required to complete an IPC (including the declaration) on the other traveller's behalf.

This provision applies, for example, to:

- a parent/guardian of a minor
- a person being extradited to Australia and being accompanied by a police officer or
- a mentally incompetent person being accompanied by a legal guardian.

Non-citizens who do not complete their IPC are taken to have completed the card if another traveller completes it on their behalf (section 98 of the Act). The traveller (third party) in charge of completing another traveller's IPC should declare so and present themselves and their own IPC for the purposes of immigration clearance.

Unaccompanied minors

The Act does not specify the age a traveller must be in order to sign documents.

If an unaccompanied minor has not signed their IPC declaration, the BCO should consider the minor's apparent competency. If the BCO considers the minor understands the questions being asked, the minor can complete and sign the card.

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If the BCO considers the minor is not competent to complete the card or sign it, the BCO is to request another ABF officer or Supervisor at the primary line to:

- write 'unable to sign - minor' in the signature field and write their name and initials in the signature block
- complete the card on the minor's behalf using the minor's passport biodata.

4.13. IPC must be completed in English

IPCs are available in 13 languages: English, Arabic, Chinese (simplified and traditional), French, Greek, Indonesian, Italian, Japanese, Korean, Malaysian, Spanish, Thai and Vietnamese.

Despite the above, the notation on the IPC states the card must be completed in English.

If a traveller completes the card in a language other than English, they should be asked to complete another IPC in English.

Travellers who require an interpreter/translator to assist them in the completion of their IPC, should be referred to a VDO.

PART D – EXEMPTION FROM THE IPC

4.14. Specific exemptions

Regulation 3.01(2) exempts the following travellers from having to complete an IPC:

- the classes of travellers specified in the table at Regulations Schedule 9 Part 1, the word 'No' appears in Column 4 of the table
- Australian citizen or non-citizen persons who under regulation 3.06 are not required to comply with the immigration clearance information requirements of section 166 - see Regulations Schedule 9 Part 2.

Australian citizens exempt from completing an IPC are listed in regulation 3.01(2) and include:

- persons visiting Macquarie Island, if permission for the visit has been granted in writing before the visit by the Secretary to the Department of Environment and Land Management of the State of Tasmania, or any successor Department (Regulations Schedule 9 Part 2)
- Australian citizens who form part of an Australian National Antarctic Research Expedition from an Australian Antarctic station, and who are returning to Australia on board a vessel owned or chartered by the Commonwealth (Regulations Schedule 9 Part 2)
- airline crew members who are Australian citizens (Regulations Schedule 9 Part 1).

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For Official Use Only**PART E – REFERRAL OF TRAVELLER DUE TO ISSUES IN RELATION TO THE IPC****4.15. Referrals to a VDO**

S. 47E(d)

4.16. Actioning referrals

The VDO is to request:

- a manual referral from the referring officer, if a system referral is not generated
- the traveller's passport and the IPC.

S. 47E(d)

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4.17. Non-citizen refusal to complete IPC and implications

The VDO should explain to non-citizens who refuse to complete an IPC that the information is required for purposes relating to entry to Australia.

Where a non-citizen refuses to complete an IPC under section 166(1)(b) immigration clearance requirements, it is an offence for a traveller to fail to complete an IPC if they are required under migration law to do so (regulation 3.08) and the following outcomes may result:

- refusal of immigration clearance for non-citizens under section 172(3) of the Act, use Refusal of Immigration Clearance template
- no visa grant for NZ citizens see *Procedural Instruction: Special Category visas in immigration clearance*.

The location of immigration clearance determines if an IPC is required for the grant of an SCV. If the traveller presents:

- at the primary line, an IPC must be completed
- at a SmartGate, an IPC is not required at the gate, however, a completed IPC is required to meet immigration, customs and biosecurity requirements.

The VDO should also advise the current penalty for failure to complete an IPC is 10 penalty units (regulation 3.08 of the Regulations and paragraph 504(1)(k) of the Act).

4.18. Australian citizen refusal to complete IPC and implications

Although an Australian citizen cannot be refused entry for failing to complete an IPC, such persons can be liable for a penalty under regulation 3.08 and paragraph 504(1)(k) of the Act.

Australian citizens who do not complete an IPC are unable to comply with section 166 and therefore bypass immigration clearance under section 172(4) of the Act when they leave the port, see *Procedural Instruction: Bypassed Immigration Clearance*.

The VDO is to:



4.19. Travellers who require assistance to complete IPC

It would be unreasonable to expect a signature if - for example, the traveller has a broken arm - the VDO must make a notation in the signature block of the IPC the traveller is unable to sign.

If the traveller is illiterate, an 'X' or thumb print is acceptable if the VDO sights and initials it.

An individual can sign an IPC on behalf of another traveller, however, the VDO should advise both travellers that the traveller is responsible for accuracy of the information contained on their IPC (section 98 of the Act).

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S. 47E(d)

Character concerns

S. 47E(d)

Determine the traveller's nationality from the passport, and if the traveller presents:

S. 47E(d)

4.21. Identity and visa status referrals

If the genuineness of information contained on a traveller's IPC is uncertain or results from pre-arrival screening referral, the VDO should:

S. 47E(d)

4.22. Cards required for further investigation

S. 47E(d)

4.23. IPC marking

To ensure Biosecurity are aware the traveller has been immigration cleared, the VDO is to:

S. 47E(d)

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For Official Use Only**s. 47E(d)****4.24. Manual processing through Departmental systems – post movement****s. 47E(d)****4.25. International cruise ship travellers**

All travellers arriving to Australia on an international cruise ship are required to present their IPC at the first port of arrival, regardless of whether they disembark at that port or a subsequent port.

During immigration clearance at the first port of arrival, ABF officers examine all travellers' IPCs to ensure all questions have been answered, and to verify the information provided.

s. 47E(d)

Any traveller who refuses to complete an IPC must be referred to an RSO unless they are exempt under sub regulation 3.01(2) of the Regulations because they are:

- of the classes of travellers specified in Part 1 of Schedule 9 to the Regulations, if the word 'No' appears in Column 4 of the table; or
- a traveller prescribed in Part 2 of Schedule 9 to the Regulations;
- a person who enters Australia on a non-military ship and as a member of the crew of that ship, or as a member of the family unit of a member of the crew of that ship.

PART F – COLLECTION OF IPCs**4.26. International cruise ship travellers**

IPCs from international cruise ship travellers are batched according to the ship's first port and date of arrival and forwarded to National Office.

4.27. Airport travellers

When primary line processing is complete, the IPC should be returned to the traveller (except for unaccompanied minors) to present to the marshal at the rear of the baggage hall.

Unaccompanied and accompanied minors' IPCs should be retained at the primary line for subsequent batching with all other IPCs from the flight.

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4.28. Processing of IPCs for travellers refused immigration clearance

s. 47E(d)

PART G – INTERNATIONAL ROUND TRIP CRUISES

4.29. Overview

Under section 80 of the Act, a person is taken not to leave Australia if they go outside the migration zone on a vessel for no longer than the prescribed period of 30 days, remain a traveller or member of crew on the vessel and do not go to a foreign country other than for transit purposes.

However, section 80 of the Act does not apply to a traveller on an international passenger cruise ship, unless a delegate makes a determination under section 169(3) of the Act that section 169(1) of the Act does apply. This determination is known as a round trip cruise (RTC) status.

Although ABF officers create movements in Departmental systems for RTC voyages, these travellers are not deemed to have left the country for immigration purposes, except for wayport leavers and wayport joiners.

RTC travellers do not routinely undergo immigration clearance on arrival back to Australia, except for wayport joiners. However, any traveller on a vessel that has RTC status may still be required to comply with immigration clearance requirements under section 166 of the Act. See *Procedural Instruction: Round Trip Cruises – Processing Overview*.

4.30. ABF and Biosecurity processing requirements

The ABF and Biosecurity deem RTC ships as international voyages, therefore all travellers are outwards and inwards cleared for ABF and Biosecurity processing as required by their respective portfolio legislation. Accordingly, ABF officers will follow the processes outlined in this procedural instruction and Biosecurity officers will implement their own processes and procedures.

4.31. Arrivals on RTC ships

All travellers must present an IPC. Wayport joiners are travellers who embark an RTC ship at an overseas port.

These travellers are not included in the ship's RTC status and must complete ABF and Biosecurity processing at first port of arrival, regardless of the port at which they will be disembarking.

Travellers do not have to undergo immigration clearance on arrival back into Australia unless they are wayport joiners or are directed specifically by a clearance officer to comply with section 166 of the Act.

4.32. Collecting IPCs from RTC travellers

IPCs completed by wayport joiner travellers are collected at the port of disembarkation.

s. 47E(d)

s. 47E(d)

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PART H – BATCHING OF IPCs FOR RETURN

4.33. TRIPS-supported ports

s. 47E(d)

4.34. Non-TRIPS supported ports

s. 47E(d)

4.35. Missing IPCs

The IPCs collected should represent a complete record of traveller arrivals in Australia.

s. 47E(d)

ABF officers are responsible for ensuring IPCs are safeguarded and all cards are forwarded to the imaging service provider.

Circumstances may arise where an IPC is “missing”. The Movements System should identify when a card is missing.

s. 47E(d)

PART I – DISCLOSURES AND USES OF INFORMATION COLLECTED ON IPC

Overview – Legislative obligations

Information collected from IPCs is used by, and disclosed to, authorised agencies for specific purposes in accordance with the *Privacy Act 1988* (the Privacy Act), the *Freedom of Information Act 1982* (the FOI Act) and migration law.

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4.36. Privacy Act requirements

Australian Privacy Principles in the Privacy Act regulate the collection, use and disclosure of personal information by government agencies. This includes the information collected on IPCs.

4.37. Interaction with the Freedom Of Information Act

The Freedom Of Information (FOI) Act enables people to request access to documents held by the Department.

Should a traveller wish to apply for access to documents under the FOI Act, they should be advised to refer to Form 1442i Privacy Notice, accessible through Legend ([See Appendix D](#)) for access to documents or information under the FOI Act.

4.38. Migration law obligations

Regulation 3.10 states with a delegate's written permission, passenger card information can be used for a number of purposes including:

- law enforcement
- national security
- national intelligence
- education
- health
- community services
- social welfare
- employment
- labour
- taxation
- statistics
- quarantine
- customs and
- excise.

Under section 271 of the Act, an IPC relating to a traveller on a vessel, furnished in accordance with the regulations, is admissible in evidence and can be used in migration proceedings for the purpose of proving a traveller entered or left Australia on that vessel.

Under section 271(1)(h) of the Act, production of an IPC bearing the name of that traveller is taken as proof the traveller entered Australia on that vessel, unless the contrary is proved.

4.39. Destruction of original IPCs

At an operational level, the information is taken from the IPC by way of image and the actual IPC is destroyed in accordance with the requirements of the *Archives Act 1983*.

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PART J – OBLIGATION RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION

4.40. Migration law governing identifying information

Further restrictions to disclosing IPCs apply under the provisions of the Act concerning identifying information.

Identifying information is defined in section 336A of the Act as including a person's signature.

The Act prescribes two years imprisonment or 120 penalty points or both for the unauthorised access, modification, impairment and disclosure of identifying information.

4.41. Obligations relating to disclosure of identifying information in accordance with the Act

It is an offence under section 336E(1) of the Act for anyone to engage in conduct that causes disclosure of identifying information if the disclosure is not a 'permitted disclosure' as prescribed by section 336E(2) of the Act.

Original IPCs or copies may be provided under subpoena and to law enforcement agencies, if the requesting agency provides clear legislative authority to request the card.

S. 47E(d)

The Operational Review Coordination and Disclosure Section process the requests for passenger cards for government agencies and law enforcement with a Service Level Agreement of 10 days.

If disclosure is required to a foreign country or foreign body, section 336F must also be considered before any disclosure is undertaken.

4.42. Privacy concerns

If a traveller raises concerns about the privacy of their information provided on a passenger card, the ABF officer should inform the traveller that any release of information is regulated by the Privacy Act and the ABF has a duty of care to protect the information provided.

The ABF officer is to provide the client with a copy of Form 1442i Privacy Notice which is available on Legend ([see Appendix D](#)).

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5. Accountability and responsibilities

If ABF officers require clarification or assistance in regard to this instruction, they should contact the Traveller Operational Policy Section s. 47E(d)

s. 47E(d)

The Superintendent, Traveller Operational Policy Section, has responsibility for the preparation and dissemination of this procedural instruction in regards to operational policy and program management of border clearance activities for air and sea travellers, under the Customs Act and the Migration Act.

The Director, Traveller Policy Advice and Support section has responsibility for preparation and dissemination of the Policy Statement in relation to this procedural instruction.

6. Statement of Expectation

A Policy and Procedure Control Framework (PPCF) document can provide directions or guidance to the people subject to the document ('workers'). Whether a document contains directions or guidance depends on various factors.

In general, a "direction" must be complied with. The direction must, however, be lawful. A direction is lawful if it is not inconsistent with or outside the scope of any applicable legislation. An example of a lawful direction would be that all IBP workers are required to comply with a dress standards policy. An example of an unlawful direction would be requiring a decision maker to consider a set of mandatory factors in deciding a citizenship application where the law requires those very factors not to be considered.

In contrast, workers are encouraged to comply with "guidance", but compliance is not mandatory. Guidance could be recommendations to a worker on what they may consider in exercising their powers under the legislation. Guidance could also be something setting out the policy position for a decision maker's consideration when they conduct certain statutory tasks. An example of guidance would be a document suggesting that a decision maker consider a list of non-exhaustive factors in assessing whether they are satisfied that a visa criterion is met, where the applicable legislation neither mandates nor prohibits particular factors from being considered.

Further advice can be sought from the PPCF Legal Advice Section if required.

7. Related Framework documents

This instruction must be read in conjunction with the following documents:

7.1. Policy Statement

[TT-2983] Border Clearance

7.2. Procedural instructions

[BC-536]	Arrival, immigration clearance and entry - Immigration clearance at airports and seaports
[BC-667]	Passenger Card Coding
[BC-2454]	Behaviour Concern Non-Citizen travellers at the border
[BC-2470]	Special Category visas in immigration clearance
[BC-2476]	Character concerns at the border
[BC-2481]	Foreign nationals and Tuberculosis

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[BC-2514]	Round Trip Cruises - Processing Overview
[BC-2676]	Managing Minors in Immigration Clearance
[VM-3184]	Sch 2 Visa 444 – Special Category
[BC-2437]	Bypassed immigration clearance

8. References and legislation

8.1. Migration Act 1958

This Act sets out the primary requirements relating to immigration clearance as follows:

- Section 166 outlines the evidence that must be presented to a clearance officer or an authorised system upon entry to Australia.
- Section 172 outlines a person's immigration clearance status, that is, whether the person has been immigration cleared, is in immigration clearance, has been refused immigration clearance or has bypassed immigration clearance.
- Section 174 outlines the circumstances where a visa ceases if the holder remains without immigration clearance.
- Section 175 outlines the evidence to be given to a clearance officer upon a person's departure from Australia.
- Section 504 outlines the penalties in respect to offences against the regulations that is for not completing a passenger card.

Other sections of the Act and regulations are also important in the context of this instruction, they are:

- Section 80 – certain persons taken not to leave Australia.
- Regulation 3.01 – Provision of information (general requirement).
- Migration Regulations Schedule 9 – Special entry and clearance arrangements, in particular
 - Part 2 – Persons not required to comply with section 166 of the Act.

9. Consultation

9.1. Internal consultation

The following internal stakeholders were consulted in the development of this procedural instruction:

- Integrity and Professional Standards, Integrity and Professional Standards Branch
- FOI Privacy and Records Management Branch, Records Management Section
- Traveller Policy Branch, Traveller Policy Advice and Support Section
- Legal Strategy and Services Branch, PPCF Legal Advice Section.

9.2. External consultation

No external consultation.

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10. Document details

BCS Category/Function	Trade and Traveller Clearance Management
BCS Sub-Category/Sub-Function	Passenger and Crew Processing
Period of Effect	29 November 2021

10.1. Document change control

Version number	Date of issue	Author(s)	Brief description of change
1.0	05 June 17	s.22(1)(a)(ii)	Update of document into PI
1.1	07 July 17	s.22(1)(a)(ii)	Incorporated comments from Traveller Policy Advice and Support
1.2	28 July 17	s.22(1)(a)(ii)	Cleared PPCF Quality Assurance
1.3	02 October 18	s.22(1)(a)(ii)	Update of existing PI and fusion of content with BC-2692 Procedural Instruction: Passenger Cards
1.4	22 October 2018	s.22(1)(a)(ii)	Incorporated feedback from Legal Division
1.5	20 November 2018	s.22(1)(a)(ii)	Incorporated further feedback from Legal Division
1.6	22 November 2018	s.22(1)(a)(ii)	Update Glossary, and Forms into document
1.7	11 December 2017	s.22(1)(a)(ii)	Suggested update of PI name from Migration Act – Arrival, immigration clearance and entry – Incoming Passenger Card to Arrival, immigration clearance and entry – Incoming Passenger Card
1.8	8 January 2019	s.22(1)(a)(ii)	PI title revised accordingly

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For Official Use Only**10.2. Approval**

Approved by:	s.22(1)(a)(ii) Commander ABF Governance
Approved on (date):	29 November 2018

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11. Appendix

11.1. Appendix A – Incoming Passenger Card (IPC)

Incoming passenger card • Australia		PLEASE X AND ANSWER EVERY QUESTION – IF UNSURE, Yes X	
PLEASE COMPLETE IN ENGLISH WITH A BLUE OR BLACK PEN		Are you bringing into Australia:	
▶ Family/surname ▶ Given names ▶ Passport number ◆ Flight number or name of ship ▶ Intended address in Australia State ▶ Do you intend to live in Australia for the next 12 months? Yes ☐ No ☐ ▶ If you are NOT an Australian citizen: Do you have tuberculosis? Yes ☐ No ☐ Do you have any criminal conviction/s? Yes ☐ No ☐	1. Goods that may be prohibited or subject to restrictions, such as medicines, steroids, illegal pornography, firearms, weapons or illicit drugs? Yes ☐ No ☐ 2. More than 2250mL of alcoholic beverages or 25 cigarettes or 25g of tobacco products? Yes ☐ No ☐ 3. Goods obtained overseas or purchased duty and/or tax free in Australia with a combined total price of more than AUD\$900, including gifts? Yes ☐ No ☐ 4. Goods/samples for business/commercial use? Yes ☐ No ☐ 5. AUD\$10,000 or more in Australian or foreign currency equivalent? Yes ☐ No ☐ Note: If a customs or police officer asks, you must report travellers cheques, cheques, money orders or other bearer negotiable instruments of any amount. 6. Meat, poultry, fish, seafood, eggs, dairy, fruit, vegetables? Yes ☐ No ☐ 7. Grains, seeds, bulbs, straw, nuts, plants, parts of plants, traditional medicines or herbs, wooden articles? Yes ☐ No ☐ 8. Animals, parts of animals, animal products including equipment, pet food, eggs, biologicals, specimens, birds, fish, insects, shells, bee products? Yes ☐ No ☐ 9. Soil, items with soil attached or used in freshwater areas e.g. sports/recreational equipment, shoes? Yes ☐ No ☐ ▶ 10. Have you been in contact with farms, farm animals, wilderness areas or freshwater streams/lakes etc in the past 30 days? Yes ☐ No ☐ ▶ 11. Were you in Africa, South/Central America or the Caribbean in the last 6 days? Yes ☐ No ☐		
DECLARATION The information I have given is true, correct and complete. I understand failure to answer any questions may have serious consequences.		YOUR SIGNATURE Day Month Year	
		TURN OVER THE CARD English	

YOUR CONTACT DETAILS IN AUSTRALIA		EMERGENCY CONTACT DETAILS (FAMILY OR FRIEND)	
Phone E-mail OR Address State	Name E-mail, Phone OR Mail address		

PLEASE COMPLETE IN ENGLISH		PLEASE X AND ANSWER A OR B OR C																		
▶ In which country did you board this flight or ship? ◆ What is your usual occupation? ▶ Nationality as shown on passport ▶ Date of birth Day Month Year	A Migrating permanently to Australia	B Visitor or temporary entrant ▶ Your intended length of stay in Australia Years Months Days ▶ Your country of residence ▶ Your main reason for travel (X one only) <table style="width: 100%; font-size: small;"> <tr> <td>Convention/conference</td> <td style="text-align: center;">1</td> <td>Visiting friends or relatives</td> <td style="text-align: center;">3</td> <td>Education</td> <td style="text-align: center;">5</td> <td>Holiday</td> <td style="text-align: center;">7</td> </tr> <tr> <td>Business</td> <td style="text-align: center;">2</td> <td>Employment</td> <td style="text-align: center;">4</td> <td>Exhibition</td> <td style="text-align: center;">6</td> <td>Other</td> <td style="text-align: center;">8</td> </tr> </table>	Convention/conference	1	Visiting friends or relatives	3	Education	5	Holiday	7	Business	2	Employment	4	Exhibition	6	Other	8	C Resident returning to Australia	▶ Country where you spent most time abroad
Convention/conference	1	Visiting friends or relatives	3	Education	5	Holiday	7													
Business	2	Employment	4	Exhibition	6	Other	8													
MAKE SURE YOU HAVE COMPLETED BOTH SIDES OF THIS CARD. PRESENT THIS CARD ON ARRIVAL WITH YOUR PASSPORT.																				

Information sought on this form is required to administer immigration, customs, quarantine, statistical, health, wildlife and other currency laws of Australia and its collection is authorised by legislation. It will be disclosed only to agencies administering these areas and authorised or required to receive it under Australian law.

Form 1442i Privacy notice is available from the department's website www.border.gov.au/allforms/

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11.2. Appendix B – Crew Declaration (B465)



**Australian
BORDER FORCE**

CREW DECLARATION

Approved Form *Customs Act 1901 Section 71AAAB*

Family/Surname:		Given Names:	
Date of Birth: / /	Sex: Male ☐ Female ☐	Flight number or name of ship:	
Passport Number:		Country of Issue:	
Intended Address in Australia:			State:
Phone:		Email:	

YOU MUST ANSWER EVERY QUESTION - IF UNSURE X YES

Are You Bringing into Australia:

Question	YES	NO	
1. Goods that may be prohibited or subject to restrictions, such as medicines, steroids, illegal pornography, firearms, weapons or illicit drugs?			
2. More than 2250ml of alcoholic beverages, or 25 cigarettes or 25g of tobacco products?			
3. Goods obtained overseas or purchased duty and/or tax free in Australia with a combined total price of more than AUD\$450, including gifts?			
4. Goods/Samples for business/commercial use?			
5. AUD\$10,000 or more in Australian or foreign currency equivalent? Note: If an Officer of Customs or Police Officer asks, you must report travellers cheques, cheques, money orders or other bearer negotiable instruments of any amount.			
6. Meat, poultry, fish, seafood, eggs, dairy, fruit, vegetables?			
7. Grains, seeds, bulbs, straw, nuts, plants, parts of plants, traditional medicines or herbs, wooden articles?			
8. Animals, parts of animals, animal products including equipment, pet food, eggs, biological, specimens, birds, fish, insects, shells, bee products?			
9. Soil, items with soil attached or used in freshwater areas e.g. sports/recreational equipment, shoes?			
10. Have you been in contact with farms, farm animals, wilderness areas or freshwater streams/lakes etc, in the past 30 days?			
11. Were you in Africa, South/Central America or the Caribbean in the last 6 days?			

NOTE: If in doubt about anything, please declare or ask any Officer of Customs or Department of Agriculture Officer for clarification.

Foreign Crew Use Only

Expected date of departure: / /	Flight number or name of ship:	Airport/Port:
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Information sought on this form is required to administer customs, biosecurity, statistical, health, wildlife and currency laws of Australia and its collection is authorised by legislation. It will be disclosed only to agencies administering these areas and those entitled to receive it under Australian law. The leaflet 'Safeguarding your personal information' is available at Australian ports and airports.

WARNINGS

- Aircraft / Vessel stores are goods under customs and biosecurity control and must not be removed without authority.
- It is an offence to make a false statement to the Department of Immigration and Border Protection. You may be penalised or prosecuted.
- Penalties for drug offences are severe in Australia.
- It is an offence to provide false or misleading information about goods you may be carrying, with "on the spot" fines of up to \$420 or prosecution. In addition you may be prosecuted for undeclared goods imported in contravention of the *Biosecurity Act 2015*.
- Upon departure from Australia you must also declare to an Officer of Customs if you are carrying AUD\$10,000 or more in Australian or foreign currency equivalent.

Declaration

Signature: 	Date: / /
--	-----------

The information I have given is correct and complete

B465 (July 2017)

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11.3. Appendix C - Legislative Framework

Collection of information under the Act

Provision	What it does	Comments	
Section 166(1)(b)	This requires persons entering Australia to provide certain evidence to a clearance authority, as part of the immigration clearance process.	Applies to both Australian citizens and non-citizens. The authority to then collect the information lies within section 504(1)(c).	
	As part of immigration clearance, this section requires persons entering Australia to provide a clearance authority of any information required by this Act or the regulations.	Section 5(1) defines 'clearance authority' to be a 'clearance officer' or an 'authorised system'. Both these terms are also defined in section 5(1).	Section 5(1) defines 'clearance officer' by reference to its meaning in section 165 of the Act, being an officer or other person authorised to perform (inward) immigration clearance duties.
		Section 5(1) defines 'authorised system' for the purposes of the Act to be 'an automated system authorised in writing for the purposes of that (the Act) provision'. Note that this requires the authorisation to be tied to a specific provision(s) within the Act, in this instance, relating to 'information', not identity – section 166(1).	Together the definitions of clearance authority and authorised system enable SmartGate, if expressly authorised under section 166(1)(b), to be an authorised system for both Australian citizens and non-citizens. See also section 166(2) of the Act. SmartGate if expressly authorised under section 32(2), can be an authorised system for the purposes of SCV applications by NZ citizens in immigration clearance.

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Provision	What it does	Comments	
Section 166(2)	Among other matters, this limits the use of "SmartGate", even if an authorised system for section 166(1)(b) purposes, to 'eligible passport holders'.	Section 165 provides 'eligible passport' means a passport of a kind specified in a determination under section 175A.	Currently only Australian ePassports and NZ ePassports are specified by instrument to be eligible passports and so eligible to use SmartGate to provide section 166(1)(b) information.
Section 504(1)(c)	This enables the collection of information from persons on board a vessel arriving at or leaving a port in Australia, or on board an aircraft arriving at or departing from an airport in Australia. This includes questions on a form as well as questions directly asked by an officer.	This relates to the <i>collection</i> of information as opposed to any (separate) legislative requirement that persons <i>provide</i> information.	Regulations relating to the <i>provision</i> of information are as necessary authorised by other specific provisions of the Act - in this instance, section 166 (and associated Regulations Division 3.1) and section 175 (but for which there are no associated regulations).
Section 504(1)(d)	This is the authority for regulations to be made relating to how this collected information may be used by non-departmental agencies, organisations and individuals.		

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Provision	What it does	Comments
Section 506(1)	This enables the regulations to require different information from different classes of person.	For example (and as suggested by section 506(3)), non-citizens may be required to provide different information from that which Australian citizens may be required to provide including: (a) health (b) criminal convictions in Australia/foreign country (c) purpose of arrival in Australia (d) unpaid debts to Commonwealth, and (e) any removal/deportation from or refusal of admission to Australia or foreign country. It does not apply to the 'exempted' non-citizens referred to above (who are not required to complete an IPC).
Section 506(2)	This states this 'form' is to be known as a 'passenger card'. This establishes the requirement that non-citizens travelling to Australia provide information (on an IPC), but does not apply to non-citizens exempted by the regulations.	This "defines" only the IPC to be a 'passenger card'. (The definition of passenger card in section 97 links to section 506(2) and relates only to IPCs, but this is for visa cancellation purposes only.)
		Section 506(2) reads: <i>The regulations are to provide for the giving of information, in the form of answers to questions on a form, to be known as a passenger card, by non-citizens travelling to Australia, other than non-citizens exempted by the regulations.</i> Regulations Schedule 9, Part 1 provides details about which persons are exempt from completing a passenger card, for example: - Members of the Royal family/party - Status of Forces Agreement (SOFA) forces - Asia – Pacific forces - Commonwealth forces - Foreign armed forces dependants - Airline crew members - Section 33(2) (b) persons.

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Provision	What it does	Comments	
		Section 5(1) defines 'authorised system' for the purposes of the Act to be 'an automated system authorised in writing for the purposes of that (the Act) provision'. Note that this requires the authorisation to be tied to a specific provision(s) within the Act, in this specific instance, relating to 'information', not identity – section 166(1).	Together, the definitions of clearance authority and authorised system enable SmartGate, if expressly authorised under section 166(1)(b), to be an authorised system for both Australian citizens and non-citizens. See also section 166(2) of the Act.
			SmartGate if expressly authorised under section 32(2), can be an authorised system for the purposes of SCV applications by NZ citizens in immigration clearance.

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11.4. Appendix D – Privacy notice (Form 1442i)



Australian Government

Department of Immigration
and Border Protection

Privacy notice

Form
1442i

The Department of Immigration and Border Protection (the department) includes the Australian Border Force. The *Privacy Act 1988* (Privacy Act) requires the department to notify an individual of certain matters when it collects personal information about them. This form is your notification of those matters.

What is personal information?

The Privacy Act provides that personal information is information or an opinion about an individual who is reasonably identifiable.

The department also collects certain sensitive personal information, which is defined under the Privacy Act and includes information about an individual's racial or ethnic origin, sexual orientation or practices, criminal records, health information and biometric information, membership of professional or trade associations, religious beliefs or affiliations, philosophical beliefs, and membership of political associations.

The main pieces of legislation administered by the department are the *Migration Act 1958* (the Migration Act), the *Customs Act 1901* (the Customs Act), the *Immigration (Guardianship of Children) Act 1946* (the IGOC Act), the *Excise Act 1901* (the Excise Act), the *Australian Border Force Act 2015* (the Border Force Act), the *Maritime Powers Act 2013* (Maritime Powers Act), and the *Australian Citizenship Act 2007* (the Citizenship Act).

The department considers that all personal information, including sensitive personal information obtained by an entrusted person of the department is 'protected information' under the Border Force Act.

Personal identifiers

The Migration and Citizenship Acts include specific provisions about the collection, use, and/or disclosure of your personal information, including sensitive information such as biometrics (also known as 'personal identifiers').

The Acts define personal identifiers to include:

- fingerprints or handprints
- an image of the face and shoulders
- an audio or video recording (for the purposes of the Migration Act only and with some limited exceptions)
- a measurement of height and weight
- an iris scan
- a person's signature, or
- any other identifier prescribed in the regulations.

Biometric information (personal identifiers) may be collected and/or verified from individuals:

- at airports when travelling
- for onshore visa applicants (including protection visa applicant)
- who are non-citizens in the Australian community
- who are immigration detainees
- who are Australian citizenship applicants.

More information about the department's Biometric Initiatives, is available on the website

www.border.gov.au/about/corporate/information/factsheets/84biometric

What the department does and our contact details

The department's mission is to protect Australia's border and manage the movement of people and goods across it by contributing to and ensuring:

- Australia's future through managed migration
- the protection of refugees and contribution to humanitarian policy internationally
- Australia's security through border management and traveller facilitation
- the collection of border revenue and trade statistics
- the facilitation of legitimate trade
- Australia's maritime security and commercial interests
- compliance with Australia's immigration laws and integrity in decision-making
- the administration of Australian citizenship laws.

Full contact details can be found on the department's website www.border.gov.au

If you believe we have wrongly collected or handled your information, you can:

- telephone the Global Feedback Unit on **133 177** during business hours
- complete a feedback form online at www.border.gov.au
- write to:
The Manager
Global Feedback Unit
GPO Box 241
Melbourne VIC 3001
Australia
- contact us directly through any office of the department.

From whom the department will collect your personal information

Generally, the department (or its contracted service providers) will collect your personal information directly from you, a third party you authorise to act on your behalf or an authorised system as defined under the Migration Act. Authorised systems include SmartGate and other automated border clearance systems.

We may also collect your information from third parties, which may include other Australian Government agencies, law enforcement agencies, foreign governments, sponsors, medical practitioners, organisations that you have nominated, education providers, employers and members of the public who contact the department with information (eg. 'dob-in calls').

Agencies or contractors performing immigration services

Some personal information is collected and used on our behalf by other government agencies authorised to carry out some of the department's functions.

Personal information is also collected and used on our behalf by contractors. Examples include advanced passenger processing by airlines for both outward and inbound flights, computer systems, research surveys/interviews, support services for immigration detainees and medical services.

The department requires that its contractors also comply with the Privacy Act, regardless of whether they are located in Australia or overseas.

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