



Australian Government  
Department of Home Affairs

# The Administration of the Immigration and Citizenship Program

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# Purpose of this background paper

1. This paper has been produced to help external stakeholders understand how the Department of Home Affairs administers Australia's Immigration and Citizenship Program, complementing existing publicly available sources. The paper outlines how the combined factors of **large scale growth in the movement of people across borders** and the **changing risk and threat environment** over the past two decades have necessitated a shift in approach to the administration of the Immigration Program to ensure it continues to support Australia's security, economic and social cohesion objectives now and into the future.

## Introduction

2. Immigration is central to our national story. From a population of around 7 million people after the Second World War, Australia has grown to a nation of more than 25 million people in 2019. The Immigration Program has played a core role in that nation building. The Immigration Program comprises Temporary visas, the Migration and Child Program, and the Humanitarian Program and is closely aligned with the Australian Citizenship Program.
3. Effective administration of the Immigration and Citizenship Program is central to maintaining Australia's sovereignty, economic prosperity, community safety and its place as one of the most peaceful, united and culturally diverse countries in the world. Our people-to-people links provide tremendous opportunities and benefits to Australia and help to shape the perception of Australia around the world.
4. Since the dismantling of the White Australia policy in the early 1970s, Australia's Immigration and Citizenship Program has been based around a universal, non-discriminatory visa system, which focuses on the contribution a person can make to Australia rather than their ethnicity, gender or religious beliefs. Australia enjoys high levels of social cohesion and broad public support for its Immigration Programs. This is in part based around confidence in well-managed non-discriminatory migration.
5. Administration of the Immigration and Citizenship Program involves dual, but equally important and complementary, objectives:
  - to facilitate the entry and stay of those who legitimately seek to visit, study, work (in roles that aren't able to be filled locally, or which would build our national capability and increase competitiveness) or migrate; and
  - to prevent entry or stay by those who disguise their true identity or intentions or otherwise pose a risk to the security or safety of our community, or to our national interest.
6. The systems, processes and capabilities required to achieve effective facilitation, counter threats and identify, prevent and mitigate risk must be as dynamic as the changing global environment in which the Department of Home Affairs operates.

# Responding to Australia's increased connection to the world and the movement of people

7. The department of state responsible for the administration of the Immigration and Citizenship Program—which has existed in various guises since 1945—has long had to manage volume growth as the number of people seeking to come to Australia has increased. Innovation and technology have become increasingly important for the Department to expand its capacity to process the large numbers of migrants and travellers to Australia and respond to increased public expectation of digital government service delivery.
8. In response to pressure to make international travel easier, in 1996 the Department introduced the Electronic Travel Authority (ETA) system. This system removed the need for paper application forms and visa labels, and allowed an electronically stored authority to immediately issue visas permitting entry to Australia for visitors from 33 eligible nationalities deemed to be 'lower risk'. This system initially collected very little information about applicants and relied on a watch-list of persons and travel documents of concern called the Movement Alert List (later Central Movement Alert List). Provided the individual had a valid passport from an eligible nationality, fell within pre-determined parameters and did not adversely match to the Movement Alert List, an ETA was automatically system-granted.
9. The threat and risk environment has changed significantly since the ETA was introduced. While the ETA has been highly effective in facilitating high-volume low risk travel, the level of assurance it provides in relation to potential security threats and community safety risks continues to be enhanced in response to the evolving threat environment.
10. Building upon previous enhancements to the ETA system, the 2017-18 Budget included funding of \$5.077 million over three years, for measures to further strengthen the integrity. Enhancements include deployment of advanced analytic capabilities and improved data capture.
11. Since that time, the Department has continued to innovate to enable greater and more facilitated client access to visa services. This has included rolling out service delivery partner (SDP) arrangements that provide assisted visa application lodgement services in many locations around the world. Currently, SDPs manage Australian Visa Application Centres in 99 locations across 55 countries, with biometrics collected in 76 locations across 45 countries. SDPs also perform administrative tasks on behalf of the Department. These arrangements have been a key driver of client service improvements and departmental business process efficiencies. SDP staff have no involvement in the decision-making process or the outcomes of visa applications.
12. Over the past two years through the *Visa and Citizenship Operating Model 2020* program (an initiative under the *Blueprint for Home Affairs*) immigration and citizenship program management has been actively improved through increasing process standardisation, consistent procedural instructions and training, as well as the deployment of new systems and risk capability.
13. As part of this change program, the Department has expanded online visa and Australian citizenship application lodgement channels. Individuals and businesses can access services and tools that enable them to lodge, track, manage and pay for a wide range of visa and citizenship applications online. The Department has implemented a range of enhancements including automated reminders for clients, improved document upload, mobile device optimisation, verification of email addresses and improved processes for clients to identify the next actions required in the application process. More recently, online application forms have collected more information from applicants where required, and use this to support better risk assessment, as well as specific procedural instructions and training which work together with visa processing systems.



14. For individuals who cannot resolve their immigration matter and whose visa is due to expire, or has expired, the Department provides a status resolution service. Immigration clients are encouraged to connect with this service to ensure they have an understanding of how their decisions now may affect their options later.
15. In November 2018, based on extensive user research, the Department launched a rebuilt website with improved navigation, structure, language and design. Clients accessing the Department's other channels, such as in-person services and phone, are encouraged to use the Department's website for general enquiries in the first instance. They are also encouraged to create and use their individual online ImmiAccount to lodge and action matters relating to their visa and citizenship applications.
16. ImmiAccount is the Department's 'front door' for public access to a range of digital and online services. Clients are able to complete transactions online within their personalised account, providing them functionality to upload and update requested information to support their visa or citizenship application. The introduction of innovative technology, such as personalised messages, has increased usability while the self-service capability reduces the need for clients to phone the Department or visit in-person. The continued expansion of online lodgement, and the availability of additional services through ImmiAccount, has seen the creation of over 11.4 million accounts since its launch in December 2013.
17. A new appointment only model is being introduced for those clients who need to be seen by a departmental officer. The model allows the Department to better prepare for, and comprehensively respond to, individual needs and ensures appropriate resourcing and expertise is available at the clients' scheduled appointment time. It provides a safer and more secure environment for staff and clients alike and eliminates the need for clients to queue. In 2019, compared to 2018, unscheduled walk-in clients have decreased by 42 per cent.
18. Service levels for the Department's call centre have continued to improve since consolidating our three call centres in March 2018 to a single onshore contracted provider. In 2018-2019, the average call wait time was 4 minutes, 12 seconds compared to 34 minutes, 31 seconds prior to consolidation.

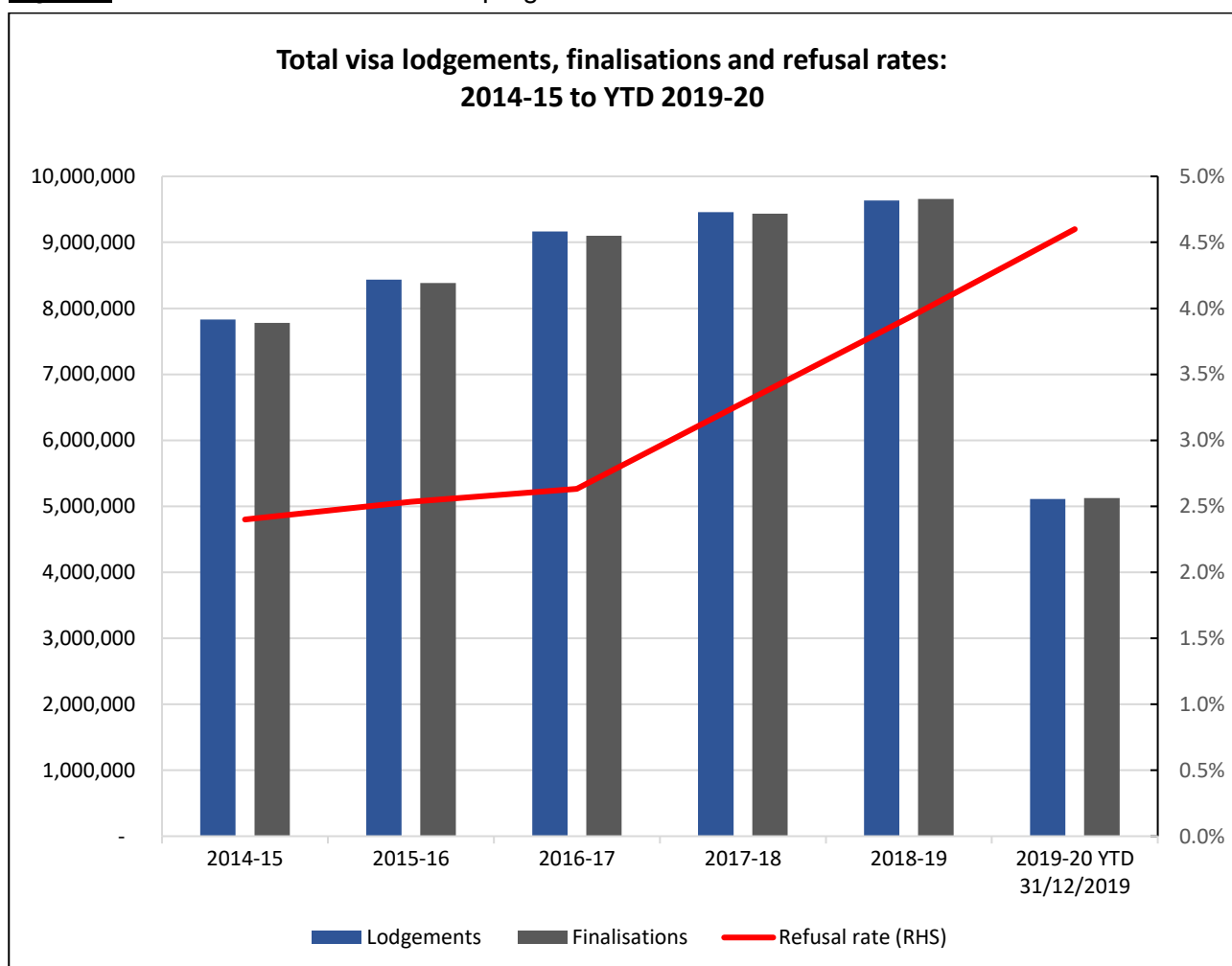
## Net Overseas Migration

19. Net Overseas Migration (NOM) is the net gain or loss of population through immigration to Australia and emigration from Australia. NOM is based on an international travellers' duration of stay in or out of Australia being for 12 months or more over a 16 month period. 'International travellers' include visa holders, New Zealand citizens and Australian citizens. NOM varies continually and can be difficult to forecast accurately as it is affected by many complex domestic and international factors. Between 2008 and 2018, NOM has generally remained between 172,000 and 315,700.
20. NOM is forecast to increase in the short term due to continuing strong international student demand, the resumption of growth in demand for temporary skilled workers, and increasing arrivals from migrants that first travel to Australia on a visitor visa
21. However, this is only a temporary effect and 2019 is the peak. As set out in the budget papers, NOM is anticipated to be lower in 2020, and lower again in 2021 and 2022, mostly due to changes in student numbers. The growth in student numbers is expected to peak in 2020, with falls in this cohort due to a slower growth rate and strong growth in the number of international students departing Australia.
22. More information about NOM is available on the Australian Bureau of Statistics website.
23. The NOM forecasting capability has been transferred from the Home Affairs to the newly established Centre for Population within the Department of the Treasury.

## Managing growth

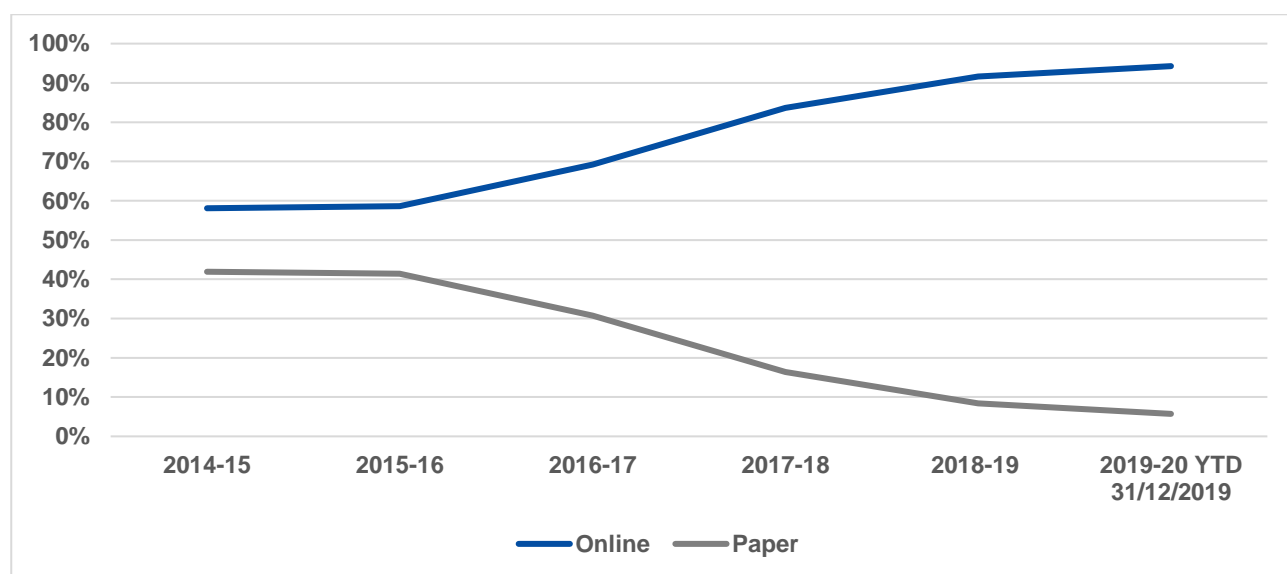
24. The total number of non-humanitarian visa applications lodged by people seeking to enter or remain in Australia has continued to grow. From 2014-15 to 2018-19, visa application lodgements in the Temporary and Permanent visa programs have increased by more than 1.8 million or 23.0 per cent. In 2018-19, the Department received more than 9.6 million visa applications ([Figure 1](#) refers).
25. All applications are assessed on a case-by-case basis in line with Government priorities and visa criteria. The Department strives to assess applications as efficiently and effectively as possible. Factors that impact the processing of applications include the volume of applications received, the quality and completeness of those applications, applicants' responsiveness to requests for information, and the complexity involved in assessing genuineness, character, health and security requirements.
26. Processing times have also been affected by the demand for certain visa categories and the number of places available if the category is capped. The *Migration Act 1958* (the Act) allows the Minister, by way of legislative instrument, to 'cap' or limit the number of certain visas that may be granted in a program year which ensures that the planning levels decided by the Government each year are not exceeded.

**Figure 1: Total non-humanitarian visa program trends: 2014-15 to 31 December 2019**



27. Heightened levels of risk and caseload fraud have been a feature across most programs and have led to an increase in refusal decisions ([Figure 1](#) refers). Since 2014-15 to 31 December 2019, the refusal rate across the Temporary and Permanent visa programs has increased from 2.4 per cent to 4.6 per cent. This is an overall increase of 92 per cent in the refusal rate.
28. This increase in the refusal rate has involved a commensurate increase in work effort and time for the Department to appropriately assess and decide applications.
29. Despite this growth in volume and risk, the Department achieved greater levels of productivity, finalising more applications each year by:
- encouraging the up-take of online lodgement (which reduces manual data entry and enables the Department to fully utilise processing capacity across its global delivery network);
  - continually improving systems and processes; and
  - increasingly consolidating visa processing into 'hubs' that are able to achieve improved efficiency, consistency and integrity outcomes.
30. As at 31 December 2019, more than 95 per cent of all visa applications were lodged electronically. The Temporary visa program has seen online lodgement increase from 58 per cent in 2014-15 to 94 per cent in the first half of 2019-20 ([Figure 2](#) refers) and supported the expansion of online lodgement to China and India, two of Australia's largest tourism and international education markets.

**Figure 2:** Online lodgement growth for the Temporary visa program 2014-15 to 31 December 2019



31. The sections that follow, provide additional information on some of the key visa programs and the Australian Citizenship Program administered by the Department.

## Temporary visas

32. Australia's Temporary visa program is designed to allow overseas people to come to Australia for specific purposes that benefit Australia, including temporary activity or work, international relations, study/training and to visit.
33. A proportion of Temporary visa holders apply for a further Temporary visa, such as Working Holiday Makers applying for a second year, and students wanting to continue their study in Australia or who apply for a Temporary Graduate visa after completing their study. Some people also apply to stay permanently under the Migration Program.
34. On 31 December 2019, there were approximately 2.2 million people in Australia on Temporary visas, an increase from 1.7 million on 30 June 2015 (not including bridging visa holders). Of the 2.2 million there were approximately 480,543 international students and 635,109 visitors as at 31 December 2019.
35. While the collective number of Temporary visa holders in Australia has grown, skilled temporary work visa holders are a small component of this total figure. As at 31 December 2019, temporary skilled work visa holders make up 5 per cent of Temporary visa holders in Australia.

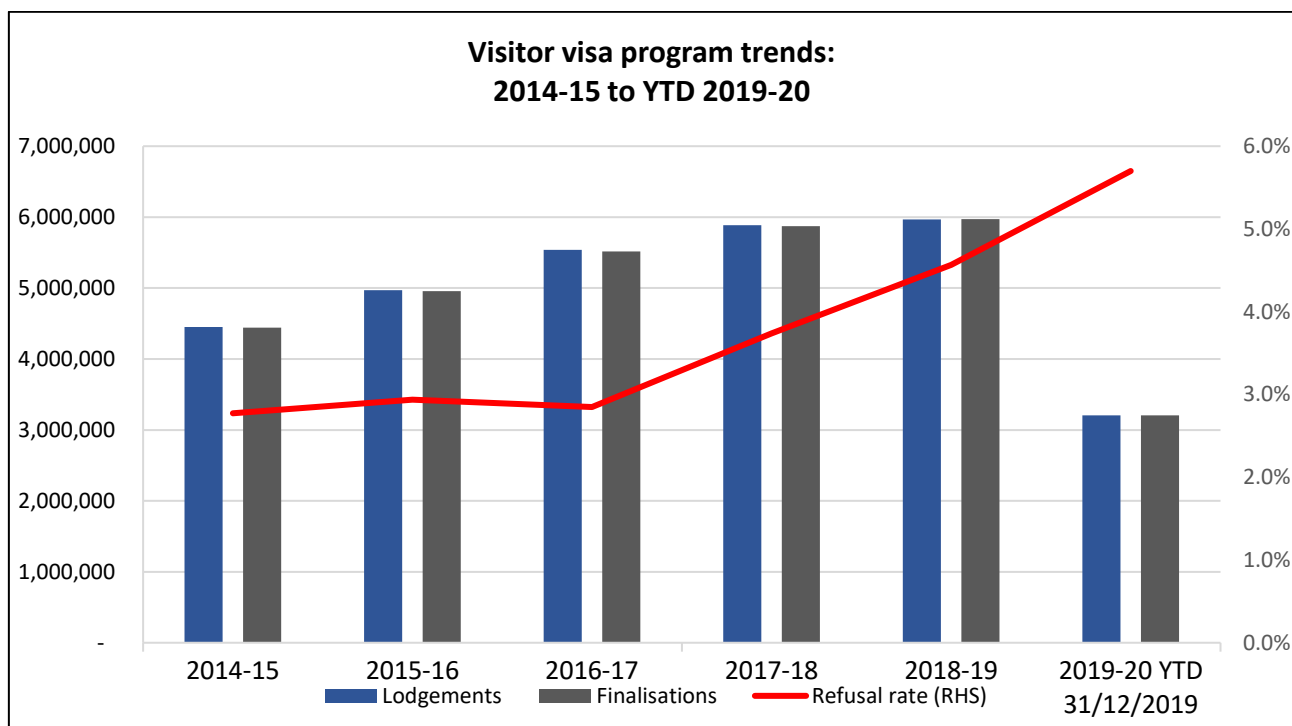
## Visitors

36. Australia's economy benefits significantly from tourism, generating jobs, investment and growth in communities throughout Australia. Tourism is a key export sector which is projected to grow. International visitors spent a record \$45.2 billion<sup>1</sup> from 1 October 2018 to 30 September 2019. For these reasons, the Department places a heavy focus on working across Government to position Australia's tourism industry at the forefront globally. Our work to keep processing times low, without compromising on integrity or community safety, is critical to this effort.
37. In 2007-08, the Department finalised 3.7 million Visitor visa applications. For the financial year 2019-20 it is projected to grow to 6.4 million (based on 2019-20 year to date figures), an increase of around 70 per cent from 2007-08, and a 20.5 per cent increase in finalisations from 2015-16 to 2018-19 (Figure 3 refers). This growth has been managed while responding to changing patterns of caseload risk and maintaining competitive processing times.
38. The Department has continued to focus on integrity, with refusal rates for Visitor visas increasing from 2.8 per cent in 2014-15 to 4.6 per cent in 2018-19 as a result of better information being available to our decision makers.
39. The Department monitors integrity indicators across all visa programs, such as Protection visa application rates, and the provision of inconsistent information and fraud. It continues to implement a range of initiatives to detect and prevent entry by those who may be seeking to enter Australia for purposes outside the intent of the visa for which they applied. More information about the capabilities the Department has invested in to achieve these improved outcomes are detailed in the Threat and risk environment section of this paper.

<sup>1</sup> Tourism Australia's International Tourism Snapshot, [www.tourism.australia.com](http://www.tourism.australia.com)



**Figure 3:** Visitor visa program trends: 2014-15 to 31 December 2019

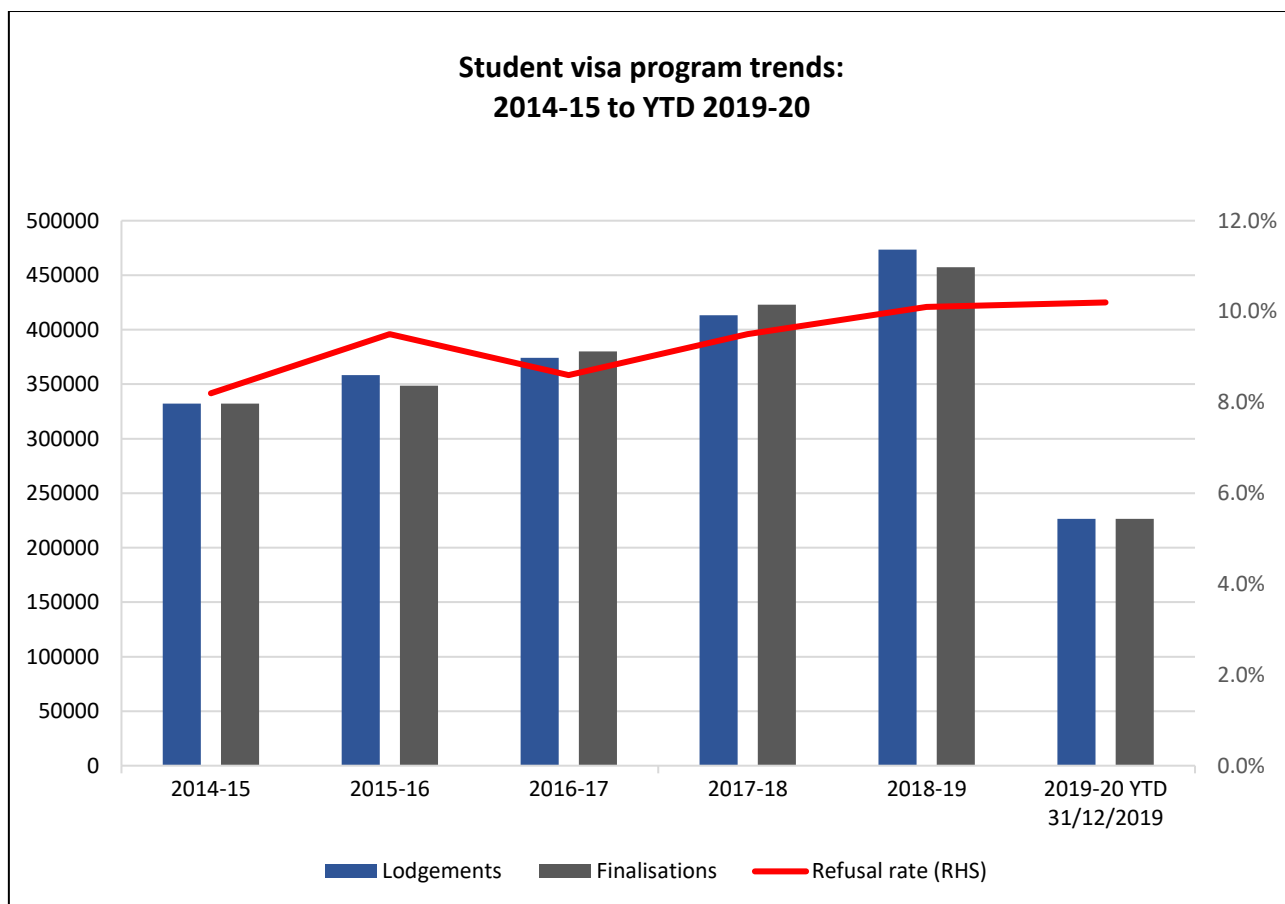


## Students

40. Australia's international education, training and research sectors also make a significant economic, social and cultural contribution to Australia, to our foreign policy interests and to individual communities. In 2018-19, this industry generated approximately \$37.6 billion for the Australian economy and is estimated to support nearly 250,000 jobs<sup>2</sup>.
41. In 2019-20 to 31 December, some 200,579 Student visas were granted, with grants to applicants outside Australia reaching 107,325. The Department has supported continuing growth in the international education sector, and the Student visa program has been growing steadily and sustainably since 2014-15 (Figure 4 refers).
42. There is no cap on Student visas and the demand for visas depends on a number of factors; including education sector quality and reputation, cost of Australia's international education, marketing, and value of the Australian dollar. Increasing refusal rates largely reflect changing patterns of risk within cohorts applying for Student visas. Performance of individuals and institutions subsequently informs the risk framework, evidentiary requirements and assessment of applications.
43. Evidence levels are reviewed every six months, having regard to a range of adverse outcomes including refusals, cancellations and Protection visa application rate.

<sup>2</sup> ABS Statistics

**Figure 4: Student visa program trends: 2014-15 to 2019-20 as at 31 December 2019**

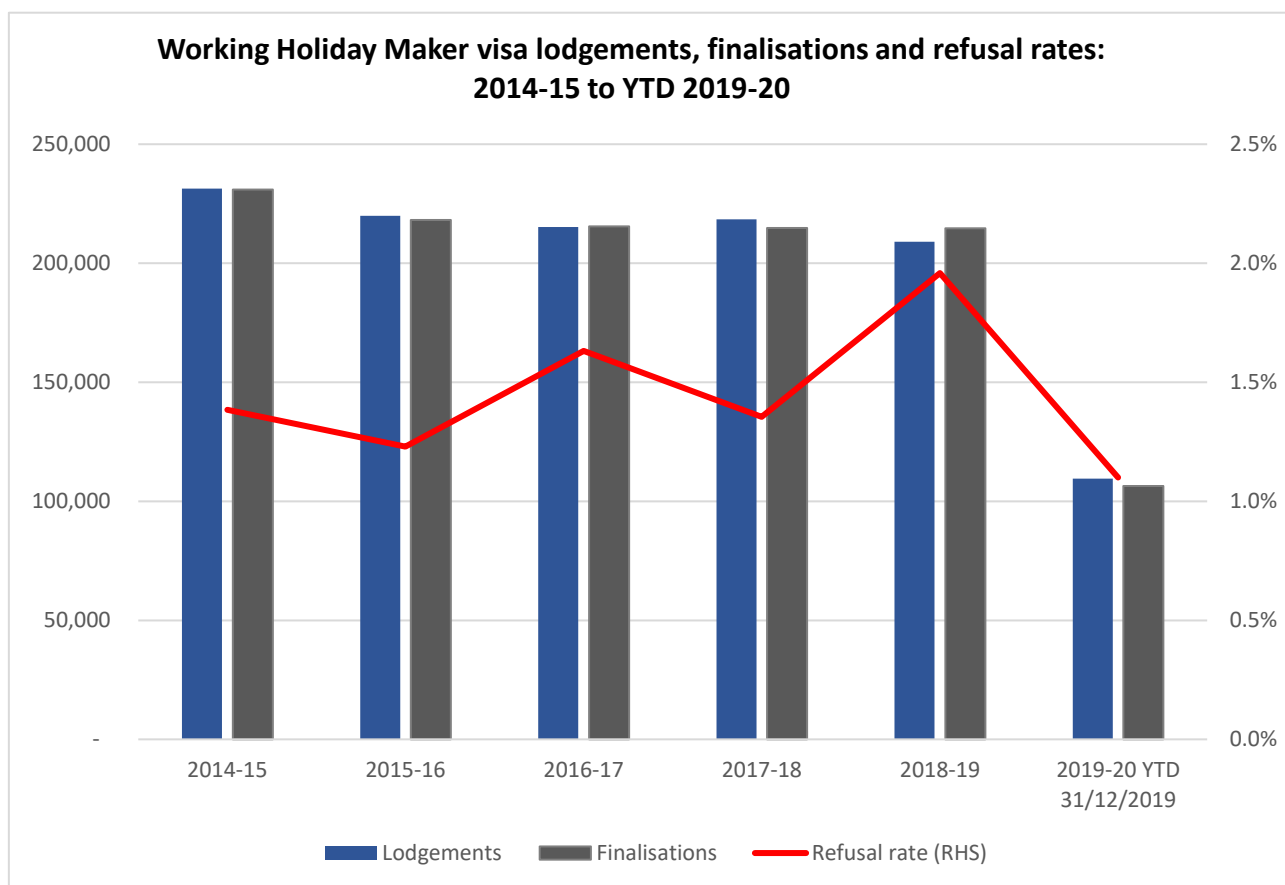


## Working Holiday Maker

44. The Working Holiday Maker (WHM) program has been running successfully since 1975 and boosts people-to-people links between young adults from Australia and 44 countries. The program sees hundreds of thousands of travellers visit and work in Australia each year, supporting the Australian economy. WHM arrivals spent \$3.3 billion while in Australia from 1 October 2018 - 31 September 2019<sup>3</sup>.
45. Program settings encourage young people to visit and work in regional areas particularly on farms to help with critical seasonal work. First WHM visa holders can apply for a second WHM visa if they have completed three months of 'specified work' in designated regional areas.
46. Second WHM visa holders, who complete six months of 'specified work', can then apply for a third WHM visa.
47. The overall number of WHM visa applications and subsequent grants has fallen in recent years following a peak of 258,248 visa grants in 2012-13. In 2019-20 to 31 December 2020, some 104,795 WHM visas were granted. Demand for WHM visas is influenced by local and international labour markets and economic conditions and changes in exchange rates.

<sup>3</sup> International Visitor Survey - Austrade

**Figure 5: Working Holiday Maker visa program trends: 2014-15 to 2019-20 as at 31 December 2019**



## Bridging visas

48. Bridging visas have been in use since the Migration Regulations 1994 commenced on 1 September 1994.
49. Bridging visas are an important tool that enables the Department to maintain a non-citizen's lawful status while they stay in Australia for a range of legitimate purposes. This includes maintaining lawful status in the community while a person is:
  - applying for a visa in Australia, or where they seek to temporarily travel overseas during the visa application process;
  - appealing a decision made to refuse their visa application, either at merits review or by a court;
  - recovering from a human trafficking or slavery-related offence and (if they choose to) assisting the Australian Federal Police in an investigation; or
  - making arrangements to depart Australia.
50. Where a person cannot be granted a Bridging visa through normal visa application processes, they may seek Ministerial Intervention.
51. The number of Bridging visa holders in Australia has increased from 102,220 on 30 June 2015 to 205,649 on 30 June 2019. There were 216,159 people in Australia holding a Bridging visa on 31 December 2019.

52. As total Temporary visa holder numbers increase, more applications are received from individuals seeking to stay in Australia for a longer period and a Bridging visa is granted while they await a decision. Of the Bridging visa holders in Australia on 30 June 2019, approximately 41 per cent had applied for permanent migration, 32 per cent had applied for a Protection visa 21 per cent had applied for a Temporary visa and 6 per cent were granted for other reasons.
53. An increasing number of people are seeking merits and judicial review of the Department's decisions about visas. A Bridging visa enables these people awaiting a decision to remain lawfully in the community.
54. Most applications for merits review are dealt with in the Migration and Refugee Division of the Administrative Appeals Tribunal (AAT). At 30 June 2017, there were 24,462 cases awaiting review in the AAT's Migration and Refugee Division. This increased to 66,515 by 31 December 2019.
55. Of the applications finalised by the AAT between 1 July 2018 and 31 December 2019, the Department's decision was unchanged in 71 per cent of cases, with the AAT changing the decision made for 29 per cent of cases under review—an indicator of the Department's ongoing strong focus on quality decision making.
56. Status resolution officers maintain regular contact with immigration clients who are waiting for the outcome of merits review or judicial review. This ensures continued engagement with the Department and promotes voluntary compliance with Bridging visa conditions.

## Migration Program

57. The permanent Migration Program has three primary programs: a Skilled program, a Family program and a Special Eligibility program which are managed within a ceiling. The program also includes the Child program which is demand driven and does not have a ceiling. Becoming a permanent resident of Australia is a significant step and provides access to many services and benefits.
58. The planning level for the Migration Program is set by the Government each year. Notably, since 2015, the planning level has been treated as a ceiling rather than a target. This ensures that standards are not lowered to meet an overall number. Migration Program planning levels are available on the Department's website.
59. The 2018-19 permanent Migration Program delivered 160,323 places, against a planning ceiling of 190,000. This was down slightly on the 162,417 places delivered in 2017-18.
60. The Government has for the first time allocated 25,000 places for regional skilled migration under the 2019-20 Migration Program. The Department is on track to deliver on this commitment. As at 31 December 2019, the Department was 18.9 per cent above pro rata. The program will be met through existing pipelines and uptake of new provisional visas.
61. The Global Talent Independent program commenced in July 2019 and aims to identify high calibre candidates for up to 5,000 permanent migration places in 2019-20. The program is designed to attract skilled migrants at the top future-focused fields to Australia; including AgTech, Space and Advanced Manufacturing, FinTech, Energy and Mining Technology, MedTech, Cyber Security and Quantum Information, Advanced Digital, Data Science and ICT, with eligible applicants receiving a fast-tracked process to permanent residency in Australia.
62. Integrity concerns continued to be identified in most migration categories in 2018-19. The Department focused on ensuring high levels of integrity, with similar refusal and withdrawal numbers to 2017-18. Refusals in 2017-18 were 46 per cent up on the previous year.
63. Overall, the Department finalised a slightly lower number of applications in 2018-19 compared to 2017-18 due to shifting risks and an increased focus on older, more complex cases.

## Skilled Program

64. There are a range of visa products in the Skilled program which are designed to improve the productive capacity of the economy and fill shortages in the labour market, including those in regional Australia that cannot be filled by suitable skilled Australians. The majority of the places in the Migration Program are in the Skilled program, currently set at approximately 70 per cent of the program.
65. Legislative reforms were implemented in 2017 and 2018 to strengthen the quality of skilled applications. Enhancements to legislation included tightened labour market testing, lowering of the qualifying age, and the introduction of higher qualifications and experience requirements.
66. The Department has implemented a range of initiatives to improve Skilled visa program outcomes, including risk-based triaging and streamlining of low risk applications and establishing a priority processing team to focus on skilled regional applications, accredited sponsors and applications under Designated Area Migration Agreements (DAMAs). As a result, the 2018-19 Employer Sponsored program outcome increased by 18.2 per cent, or 6484 places, compared to the outcome in the 2017-18 program year. The 2018-19 Migration Program outcome for the Skilled program was 109,713 places.
67. Demand for the Temporary Skill Shortage (TSS) visa was strong in 2018-19 with 35,274 primary visa lodgements. For more than 2,500 accredited sponsors, most TSS nominations are processed in less than six days as at 31 December 2019, compared with processing times of the 457 which were 11 months as at 31 December 2018.

## Regional Migration

68. As part of the Skilled program, two new skilled regional provisional visas commenced from 16 November 2019.
  - a. Skilled Employer Sponsored Regional (Provisional) visa: for people sponsored by an employer in regional Australia, and
  - b. Skilled Work Regional (Provisional) visa: for people who are nominated by a State or Territory Government or sponsored by an eligible family member to live and work in regional Australia.
69. Skilled migrants settling in regional Australia have a diverse range of available occupations to match their experience, skills and qualifications. There are more than 650 eligible occupations available to migrants willing to work in regional Australia. These occupations are consistent with skill needs in regional areas, including agricultural occupations, trade occupations and professional occupations.
70. The Department has appointed six Regional Outreach Officers who are undertaking an engagement program over the next 12 months, assisting regional businesses to understand what visas are available to them when can't find Australian employees.
71. DAMAs provide access to more overseas workers than the standard Skilled program visas. DAMAs operate under an agreement-based framework, providing flexibility for regions to respond to their unique economic and labour market conditions. There are currently seven DAMAs in place with:
  - Northern Territory
  - The Goldfields, Western Australia
  - Great South Coast, Victoria
  - Adelaide City
  - Regional South Australia
  - Orana, New South Wales
  - Far North Queensland



## Global Talent

72. There is intense competition internationally for global talent, and Australia seeks to be at the forefront in attracting the best and brightest people to help grow a stronger economy and a more prosperous Australia.
73. Global Talent Officers in Australia and key overseas locations work with the world's top universities, professional associations and businesses to identify and market the Global Talent Independent program to exceptional candidates in key target sectors.
74. The Global Talent Employer Sponsored program also provides businesses with a streamlined process to sponsor overseas workers with cutting-edge skills, where there are no suitable Australians available. The Global Talent Employer Sponsored program has two streams: a Startup stream; and an Established Business stream.

## Family Program

75. The Family program is predominantly made up of Partner and Parent categories, enabling Australian citizens and permanent residents to reunite with close family members. The Family program comprises approximately 30 per cent of the Migration Program.
76. The Department processes visas in line with the legal framework under the Act and Regulations, and policy parameters and priorities set by Government. Where demand is higher than the available places, processing times lengthen.
77. Under section 85 of the Act, the Minister has the power to 'cap' or limit the number of visas which can be granted each year in particular subclasses, covering Parent and Other Family categories.
78. Pressure for visits and family reunion is eased through the Visitor visa program and the new Temporary Sponsored Parent visa.
79. The Family program outcome in 2019-20 to 31 December 2019 is 22,462 places within a planning level of 47,732 for the 2019-20, which accounts for 30 percent of the Migration Program.

## Special Eligibility Program

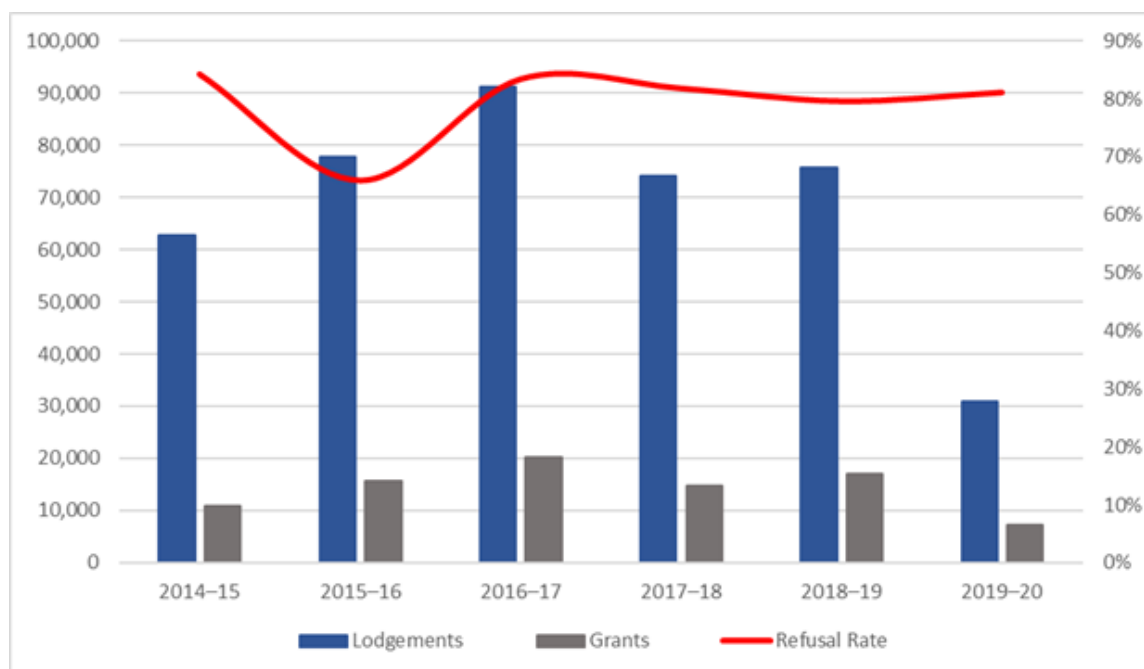
80. The Special Eligibility program outcome for 2018-19, which mostly represents cases approved under Ministerial Intervention powers, was 115 places within a planning level of 565 places.

# Humanitarian Program

## Humanitarian Program - offshore

81. Australia is one of the world's most generous contributors to international refugee resettlement efforts, successfully settling more than 900,000 refugees and others in humanitarian need since the end of the Second World War. At present, about 30 countries offer permanent resettlement places to people in humanitarian need through managed and annual programs.
82. Australia is consistently ranked among the world's top permanent resettlement countries. The number of applications for offshore Humanitarian visas the Department receives each year is far greater than available visas, even though the base program has grown by more than 36 per cent in the past few years and a special additional program of 12,000 places for people displaced by conflict in Iraq and Syria was delivered between 1 July 2015 and 21 March 2017 ([Figure 6](#) refers).

**Figure 6:** Offshore Humanitarian Program trends: 2014-15 to 2019-20 (as at 31 December 2019)



83. The composition of the offshore Humanitarian Program is decided by the Government on an annual basis, taking account of changing patterns of global displacement and humanitarian need, risks to the Australian community and the capacity to facilitate the successful settlement of humanitarian entrants in the community. The Department has continued to deliver the Humanitarian Program in line with planning levels set by the Government each year.
84. Australia's offshore Humanitarian Program has a strong focus on providing resettlement for vulnerable women and children. Over 23,500 visas have been granted to vulnerable women and their dependants since the establishment of the Woman at Risk visa program in 1989. This focus has expanded in recent years from 10 per cent of places in 2017-18 to 20 per cent in 2019-20 (3420 places), with targets exceeded in the last two program years.
85. In 2019-20 Australia is also implementing an Unaccompanied Humanitarian Minors (UHM) pilot that will focus on vulnerable children with no ties to Australia, building upon Australia's well established UHM Program.

#### Case study

Armidale in New South Wales (NSW) has welcomed over 600 Yazidi humanitarian entrants since the Department commenced settling humanitarian entrants in the city in February 2018. Yazidi entrants are contributing to the Armidale community and economy through a range of activities, including participation in community events, hospitality and volunteering with local groups and organisations. Two Yazidi entrants are active volunteers with the NSW Rural Fires Service (RFS) and assisted with firefighting efforts in response to the recent bushfires. A further 10 Yazidi entrants have approached the NSW RFS to volunteer and at time of writing are awaiting acceptance and induction.

86. The Department uses risk and intelligence systems to manage potential threats and attempts to undermine the integrity of the offshore humanitarian program. More information is detailed in the *Detecting Threats within the Immigration Program* section of the paper.

## Humanitarian Program - onshore

87. In line with Australia's international non-refoulement obligations, any non-citizen who enters Australia can seek Australia's protection. There has always been a small proportion of people who arrive on Temporary visas who subsequently seek Australia's protection.
88. Of the some 45.5 million Temporary visas granted between 1 July 2014 and 31 December 2019, around 105,000 protection visas were subsequently applied for in Australia, representing approximately 98,000 applicants. This equates to approximately 0.23 per cent of total Temporary visa grants, which is low in the context of the changing pattern of arrivals to Australia. More than 92 per cent of the individuals who applied for protection in the same period have either departed Australia, been granted a visa, or remain lawfully while they have ongoing matters before the Department or at merits or judicial review. Less than eight per cent do not have a valid visa and have no matters ongoing. These individuals can either return home voluntarily, or they will be subject to removal from Australia by the Australian Border Force (ABF).
89. Maintaining the integrity of Australia's protection system is of utmost importance to the Department. Individuals have different motives for claiming protection. In the Department's experience, and that of a number of other western countries, while some claim protection because they genuinely fear they will face significant harm if they were to return to their home country, many make applications for other purposes, such as to prolong their stay to access the labour market, or because of the better life opportunities our country affords comparatively.
90. 90.2 per cent of Protection visa decisions made in 2019-20 (as at 31 December 2019) were refusals. The Department works to detect, disrupt and respond to fraud, and other attempts to undermine the integrity of the Humanitarian Onshore Program through an holistic approach, which includes intelligence informed risk profiling of visa applications, disrupting non-genuine travel through the ABF Airline Liaison Officer network and ABF enforcement action onshore. More information on addressing integrity issues is detailed in the Detecting threats in the Immigration Program section of this paper below.
91. Based on information currently available, most unmeritorious applications for protection appear to involve individuals opportunistically seeking entry to Australia, with a relatively low level of organisation. The Department has, however detected some individuals who have sought to 'facilitate' entry to Australia including through the use of unlawful providers of immigration assistance and other individuals seeking to act as labour hire intermediaries.
92. The Department is focusing on identifying new methods and tools being used by facilitators and responding to the changing threat profile. Response strategies have included threat assessments of Protection visa facilitators, criminality and the exploitation of workers. In addition, targeted risk profiles are swiftly deployed to treat emerging hot-spots and adverse trends, and existing profiles updated quickly to reflect any changes identified through risk assessments. Where onshore facilitators are identified, action is being taken to investigate these individuals for potential prosecution.
93. Protection visa applicants who choose to work in Australia have the same workplace rights as Australian citizens. They are able to access information about these rights in a range of languages and can report potential workplace issues/breaches anonymously to the Fair Work Ombudsman.
94. Strategies for preventing the exploitation of the Protection visa program by people seeking to prolong their stay and employment in Australia have dampened growth of Protection visa lodgements, with applications reducing by 12 per cent in the 2018-19 program year compared to 2017-18.
95. Based on individuals identified by law enforcement activity focused on Labour Hire Intermediaries (LHIs) and others that might be involved in exploiting vulnerable onshore foreign workers (including unlawful non-citizens) there is no evidence to support that a large volume of air arrivals are claiming protection and being subsequently exploited. More information on

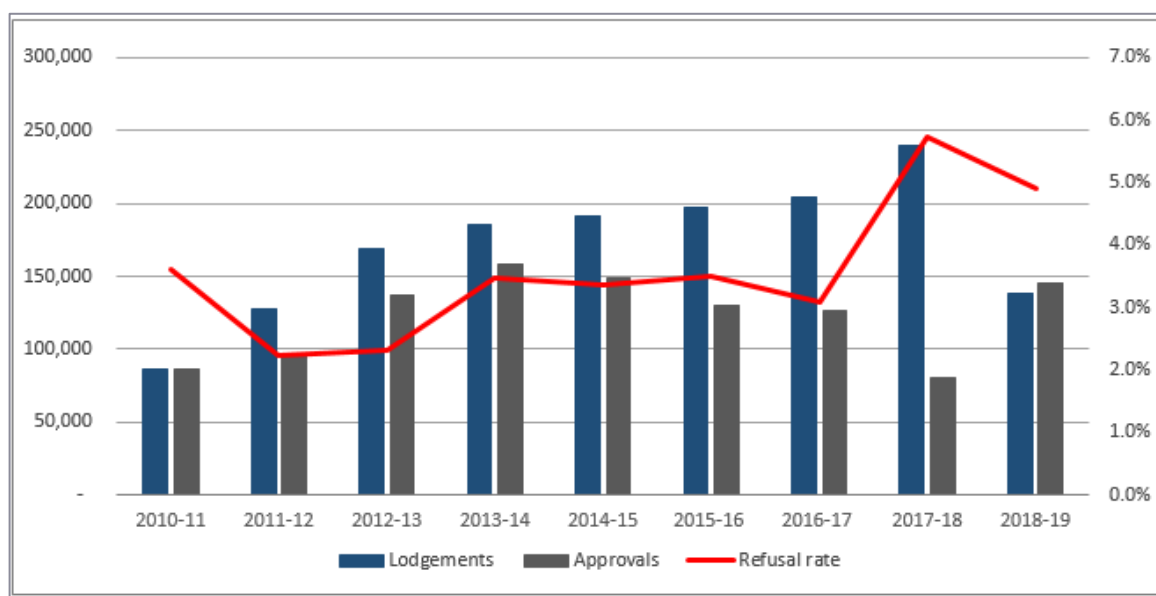
these and related matters are detailed in the *Modern Slavery, Human Trafficking, People Smuggling and Migrant Worker Exploitation* section of this paper.

96. It should be noted that those who arrive on Temporary visas and subsequently apply for protection have arrived with identity documents and been through a visa application process including system and risk checking. In contrast those who arrive illegally commonly have little or no identity documentation and have not been subject to health and risk checks pre-arrival.

## Australian Citizenship Program

97. There is no greater privilege than Australian citizenship. Every year a significant number of people seek to become Australian citizens so that they can increase their sense of belonging in our community and share in the rights, responsibilities and privileges afforded to citizens.
98. Applications for Australian citizenship generally fall within four categories: conferral (this represents approximately 70 per cent of all applications), descent, adoption and resumption.
99. After a period of unprecedented growth in applications for citizenship by conferral in the eight years from 2010-11 to 2017-18, demand has again risen in 2019-20, to 31 December 2019, by seven per cent compared to the same period in 2018-19. The effect of sustained high lodgement rates over previous years continues to be a factor in the citizenship processing pipeline. Increased applications resulted for a range of reasons, including flow on applications from Immigration Program intakes over these and earlier years, increases in Humanitarian Program applications, and proposed changes to eligibility requirements that resulted in eligible permanent residents deciding to lodge their applications before the proposed legislative changes were implemented. Unlike Permanent visas granted under the Immigration Program, there is no ceiling on the number of citizenship by conferral applications that can be approved each year. This creates additional pressure on the program when application rates increase.

**Figure 7:** Citizenship by conferral program trends: 2010-11 to 2018-19



100. It is important that only people who can meet the legislative requirements for Australian citizenship are accorded this privilege. Once citizenship is conferred it can be revoked only in extremely limited circumstances. Citizenship by conferral applicants must meet residential and other eligibility provisions to apply. They must satisfy the decision maker of their identity and be of good character. Depending upon circumstances such as their age, applicants must also possess a basic knowledge of the English language, and demonstrate knowledge of Australia and the responsibilities and privileges that come with Australian citizenship.
101. The changing threat environment (Threat and Risk Environment section of this paper refers), the risk of un-detected migration fraud within the Immigration Program, along with a number of citizenship applications requiring complex identity assessments, has necessitated a strengthening of integrity measures in the Citizenship Program. These measures have been introduced to help ensure any adverse information is identified and appropriately dealt with, and to ensure that the identity and character considerations of a person have been resolved to the best extent possible before they are approved for Australian citizenship.
102. Robust program integrity is imperative in meeting community expectations and in ensuring the protection of the Australian people (Delivering improved immigration integrity and community protection outcomes section of this paper refers).
103. Where appropriate, applications that present integrity concerns are referred for consideration of visa cancellation. From July 2014 to 31 December 2019, 35 individuals have had their Australian citizenship revoked for criminal conduct or for citizenship or migration fraud.
104. The Department has implemented a range of initiatives to respond to growth and improve efficiency, without compromising on integrity. These include an enhanced capability to triage and group applications according to risk, identifying cases with similar characteristics to harness processing consistency and efficiency, automating business processes and expanding online lodgement capability.
105. These initiatives have led to excellent outcomes in the Citizenship Program in 2019-20, with many more people acquiring Australian citizenship and thereby contributing to our great nation. Over 161,000 citizenship by conferral applications were finalised in the program year to 31 December 2019, which is more than the total number of applications finalised in the entire 2018-19 financial year (160,117). In addition, there has been a substantial reduction in the on-hand caseload, from the peak of 247,659, in July 2018 down to 128,383 as at 31 December 2019, representing a 48 per cent decrease.
106. The Department expects to build further on these outcomes over the remainder of the 2019-20 program year.

## Threat and risk environment

107. The threat and risk environment in which the Immigration Program is administered has changed dramatically over the past 20 years.
108. The growing middle classes in emerging economies are increasingly travelling. For example, visitors from the UK, Japan, USA, South Korea and Germany made up around 51 per cent of total visitor grants in 2007-08. By 2017-18, this had dropped to 36 per cent. In contrast, China, India and Indonesia grew from 11.4 per cent of the total visitors to 23.6 per cent—914,089 more visa grants—over the same period. This has changed the risk responses and processing required within the visitor caseload.



109. While the increasing movement of people globally brings with it many benefits to Australia, it also brings potential threats to our security and health.
110. Approximately 70 per cent of significant serious and organised crime targets that impact Australia are either based offshore or have strong offshore links. Transnational organised crime networks continue to seek to embed themselves into legitimate supply chains to obfuscate their activities or to exploit visa arrangements for activities such as, drug or weapons importation, illegal labour, human trafficking and exploitation and other nefarious purposes. Their methods continue to evolve, including the masking of activities using encrypted communications and use of professional facilitators.
111. The constantly changing face of extremism presents a paramount concern. Terrorist actors, ideologues, financiers, recruiters, and on-line supporters—to name but a few of the entities within this ever-evolving matrix—all seek to take advantage of easier international travel arrangements and streamlined visa processes.
112. There have been growing attempts by some foreign governments or their proxies to engage in foreign interference to undermine Australia's sovereignty, values and national interests, through covert, deceptive and clandestine means. Our institutions of democracy, research and education sectors, the media and our culturally and linguistically diverse communities are all at risk from this type of activity.
113. The world is facing the highest level of forcibly displaced people ever, generating continued border risks as people seek to travel both legally and illegally to destinations where they can live in peace and safety, like Australia. A proportion of these individuals carry no reliable documentation that can be used to verify who they are or deliberately falsify identity.
114. The Department is responding to this dynamic environment by proactively identifying threats to Immigration Programs by preventing visa grant and travel well ahead of the Australian border, this includes using border controls to contain the spread or slow the progression of health related risks. This approach is multi-layered: our human and technological assets work hand-in-glove to ensure our risk systems which support visa processing are underpinned by the latest environmental information, trends and data. This process of constant review and adjustment in our risk responses is vital — those who seek to exploit our visa programs become aware of our processes, and adjust their strategies quickly. We are, and need to remain, just as agile.
115. At the strategic level, key Immigration Program risks are linked back to the broader objectives of the Portfolio, with a focus on how effective risk management supports Government objectives and safeguards our community.
116. At the operational level, we focus on risk in individual programs and those risks which cross program boundaries through the identification and assessment of trends and anomalies, as well as the consideration of linkages with the border and onshore outcomes.
117. At the tactical level, risk management is supported at the decision making front line, with appropriate risk tools, risk-focused procedural instructions, training and quality assurance processes in place.
118. More granular and nuanced assessment of the risk posed by individual visa applicants—irrespective of nationality—is critical, informed by targeted intelligence, greater checking capability, responsive risk systems work in conjunction with visa processing systems. This approach is not only intended to respond to the emerging threats and risks we face today but also underscores the non-discriminatory nature of Australia's Immigration Program.

## **Modern Slavery, Human Trafficking, People Smuggling and Migrant Worker Exploitation**

119. Under Australia's universal visa system, all non-citizens require a valid visa to enter Australia. Before a visa can be granted, all visa applicants are assessed against criteria set out in Australian migration law.
120. A range of checks are undertaken at various stages of a non-citizen's journey to Australia. This includes when a traveller first applies for a visa, en-route at airports across the world, on arrival at an Australian airport and after arrival. This ensures that issues are identified and dealt with and travel is prevented where necessary as early as possible - usually well before the Australian border.
121. Between 1 July 2015 and 31 December 2019, the Department of Home Affairs and the Australian Border Force have refused over 1.72 million visa applications and have refused over 18,000 travellers entry at an Australian airport. During the same period, the Australian Border Force's network of Airline Liaison Officers have prevented more than 3,600 people from boarding flights to Australia.
122. These measures contribute to strong border protection, including the detection and prevention of potential exploitative practices, such as modern slavery and human trafficking, worker exploitation, and people smuggling, well before travellers reach Australia, while also facilitating the movement of legitimate travellers.

### **Modern Slavery and Human Trafficking**

123. In Australia, modern slavery refers to a range of serious exploitative practices, including human trafficking, slavery and slavery-like practices (such as forced marriage, forced labour, domestic servitude, and debt bondage). These are criminalised in the Commonwealth Criminal Code Act 1995 (the Criminal Code).
124. In the context of the immigration program, the Australian Government is aware of a very small proportion of non-citizens who are suspected victims of modern slavery or human trafficking (51), identified in the 2018-19 program year, representing 0.0006 per cent of all visas granted (8.98 million visa grants).
125. Between 1 July 2015 and 30 June 2019, 629 matters were referred to the Australian Federal Police for investigation of possible modern slavery and human trafficking offences – noting this figure includes Australian citizen victims.<sup>2</sup> These include referrals made by the Department and the Australian Border Force, as well as other referring bodies. For the same period, the Australian Federal Police referred 192 suspected victims (including Australian citizens) of these crime types to the Government's Support for Trafficked People Program (support program).<sup>3</sup>
126. During the 2018-19 financial year, 70 suspected victims of modern slavery or human trafficking were identified by the Australian Federal Police and referred to the support program. Of these, 51 were non-citizens, with nationals of Afghanistan (10), Sri Lanka (8) and Malaysia (6) comprising the largest groups within the broader cohort of victims. The nationality of victims can change significantly from year to year, including where cases involve multiple victims. Forced marriage and labour exploitation were the main offence types for non-citizen victims referred to the support program in 2018-19.

<sup>2</sup> This information was provided by the Australian Federal Police.

<sup>3</sup> This information was provided by the Department of Social Services.

127. Law enforcement activity has found no evidence to support claims that a large volume of non-citizens arriving through Australian airports are then claiming protection and being subject to criminal exploitation. During the 2019-20 program year (as at 31 December 2019), only 55 non-citizens were identified as suspected victims of modern slavery or human trafficking by the Australian Federal Police, and referred to the support program. Of these, 16 had claimed protection.
128. Between 1 January 2004 and 31 December 2019, 24 people have been convicted of modern slavery and human trafficking offences, including 16 Australian citizens.
129. Australia's response to modern slavery and human trafficking is broadly consistent with Five Eyes partners. Each has comprehensive criminal offences, a national action plan, and government support programs for victims. Evidence suggests all Five Eyes countries experience substantial challenges identifying victims. According to the US State Department Trafficking in Persons Report 2019, Australia has demonstrated serious and sustained efforts to eliminate human trafficking and consistently rates as a 'Tier 1' country in this regard.

### **People Smuggling**

130. People-smuggling involves the organisation or facilitation of consenting non-citizens who have no lawful right to enter Australia, by sea or air, generally in return for financial or other material benefit. People smuggling is an offence under the Migration Act 1958 (the Migration Act) and the Criminal Code, and the Australian Federal Police leads the Australian Government's operational response to people-smuggling offences.
131. Between 1 January 2015 and 31 December 2019, six people have been convicted of people smuggling offences in Australia. It should also be noted that the low number of domestic convictions for people smuggling is largely a result of the increased focus of deterring and disrupting people smuggling at its source as part of a layered approach to border security.
132. Between 2008 and 17 September 2013, more than 50,000 people travelled illegally to Australia on more than 820 individual maritime people smuggling vessels. During this period, more than 1200 people drowned in the attempt to reach Australia on small and often unseaworthy vessels that were unsuited to long voyages across the open ocean.
133. In response to the maritime people smuggling threat, the Australian Government established the multi-layered Operation Sovereign Borders (OSB), under a military-led Joint Agency Task Force (JATF). Since the commencement of OSB on 18 September 2013 until 27 July 2014, there were 1309 illegal maritime arrivals from 23 maritime people smuggling ventures. Since then, there have been no successful arrivals.
134. In the same period, Australia has intercepted 37 maritime people smuggling ventures and safely returned 865 potential illegal immigrants to their country of departure or their home country. It has been more than six years since the last death at sea from maritime people smuggling ventures targeting Australia, and more than five and a half years since the last successful maritime people smuggling venture to Australia. An essential element of the OSB multi-layered approach is deterrence and disruption in source and transit countries. This has involved a continuous dynamic strategic communications campaign that has deterred thousands of people and seen foreign law enforcement disrupt 82 vessels involving 2,652 potential illegal immigrants, and 629 arrests. Despite the success of OSB, the threat of illegal maritime ventures remains and will require ongoing vigilance.

## **Migrant worker exploitation**

135. In some cases, serious exploitation of migrant workers may meet the criminal threshold for modern slavery or human trafficking-related offences. In this document, migrant worker exploitation is taken to mean the exploitation of non-citizen visa holders in the provision of labour or services, in violation of Australian workplace laws – such as underpayment of wages. Worker exploitation is not, however, restricted to non-citizens or migrant workers. Australian citizens are also affected.
136. The Attorney-General's Department and the Fair Work Ombudsman's office lead the Government's overall response to this issue. The Fair Work Ombudsman has responsibility for compliance with Attorney-General's workplace laws and carriage of managing complaints and allegations with respect to worker exploitation, including for non-citizens.
137. Over the last five years (as at 31 December 2019), the number of temporary visa holders in Australia has increased by over 22 per cent (400,000 people), resulting in an increase in the number of non-citizens seeking to work in Australia.
138. The Department and the Australian Border Force play a specific role by ensuring non-citizens hold visas allowing them to work where appropriate, that they are complying with their visa conditions, and (where necessary) that workers are sponsored by approved business sponsors who meet their sponsorship obligations, under Migration legislation.
139. Under the Migration Act, the Department and the Australian Border Force, is able to sanction employers who allow (or refer non-citizens for) illegal work in Australia, without having taken reasonable steps to confirm that the person is a legal worker. A range of sanctions can be imposed, from administrative warnings and infringements to civil penalties and criminal prosecution for serious and repeat offences.
140. Between 1 July 2014, and 31 December 2019, the Australian Border Force conducted over 5,565 employer awareness activities focused on ensuring employers are aware of their legal obligations and that workers hold valid visas with appropriate work rights.
141. Australian businesses are able to sponsor suitably skilled migrant workers to fill a position for which they cannot find an appropriately skilled Australian worker. Between 1 January 2019 and 31 December 2019, 273 businesses were sanctioned for breaching their sponsorship obligations. Of these, 160 were sanctioned for breaches that could potentially be associated with foreign worker exploitation (for example, not ensuring equivalent terms and conditions of employment to Australian citizens or permanent residents, not ensuring the worker is operating in the nominated occupation and not recovering costs from workers).
142. The Australian Border Force has a range of enforcement options available for businesses that breach their agreements including cancellation or barring a business from further sponsorship through to infringement notices and civil prosecution.
143. The Australian Border Force collaborates with a range of law enforcement and Commonwealth and State/Territory government and regulatory agencies to combat foreign worker exploitation by applying the full spectrum of enforcement measures, ranging from education and field compliance activities through to criminal prosecution and international engagement. This work supports the whole-of-government response to migrant worker exploitation, noting that migrant workers in Australia are protected by the same workplace laws and entitlements as Australian citizens and permanent residents.
144. There is ongoing engagement between the Australian Border Force and the Fair Work Ombudsman to leverage cross-agency capabilities and deliver migrant worker, employer and sponsor education and compliance outcomes. Where the Australian Border Force becomes

aware of worker exploitation, it will take appropriate action, and refer it, or work with, the relevant regulatory authority or law enforcement agency.

145. Since 3 December 2018 (and up until 31 December 2019), the Australian Border Force has been conducting a national operation (Operation Battenrun) targeting unscrupulous labour hire intermediaries suspected of foreign worker exploitation. This has resulted in 76 search warrants executed, 148 individuals detained including labour hire intermediaries, 137 individuals removed from Australia, 123 employer awareness activities performed, 69 Illegal Worker Warning Notices issued and five infringement notices on facilitators of illegal work.
146. Non-citizens have access to the same workplace protections and entitlements as Australian citizens. The final report of the Migrant Workers' Taskforce estimates that in 2017-18, migrant workers accounted for six per cent of the Australian workforce. Fair Work Ombudsman complaint volumes show that formal disputes from non-citizen visa holders constitute a very small proportion of overall non-citizen visa holders. For example, 1647 formal disputes for non-citizen visa holders were resolved by the Fair Work Ombudsman in 2018-19 compared to 8.98 million visa grants (0.018 per cent).
147. In 2018-19, the top four industries in which visa holders requested assistance by the Fair Work Ombudsman, were: accommodation and food services (31.6 per cent); retail trade (10.1 per cent); administrative and support services (9.3 per cent); and construction (7.3 per cent). These were also the top four industries represented in all requests for assistance made to the Fair Work Ombudsman – that is, requests relating to Australian citizens and non-citizens.
148. Between 1 July 2014 and 31 December 2019, the main type of workplace exploitation allegations received by the Fair Work Ombudsman for non-citizen visa holders was the non-payment and underpayment of wages.
149. The Department also works closely with the Fair Work Ombudsman to ensure that visa holders with work rights who have reported exploitation to the Fair Work Ombudsman, will generally not have their visas cancelled. An Assurance Protocol, designed to encourage visa holders to come forward with their workplace complaints, was co-established by both agencies in early 2017. As at 31 December 2019, the Fair Work Ombudsman has referred 59 visa holders to the Department under the Protocol. Their visas have not been cancelled.

## **Detecting threats within the Immigration Program**

150. While facilitating growth in important Temporary and Permanent visas that support the economy, and managing strong Humanitarian and Family Programs, the Department is maintaining a proactive posture that assumes some individuals looking to enter Australia—or their facilitators—will attempt to exploit vulnerabilities within the immigration system, for individual benefit or to do harm to Australia.
151. The changing threat environment for the Immigration Program means we need a strong, layered system that robustly assesses people offshore and technology that is responsive, agile and flexible enough to deal with new and emerging risks.
152. More granular and nuanced assessment of the risk posed by individual visa applicants—irrespective of nationality—is required, supported by targeted intelligence and greater checking capability. This approach is not only intended to respond to the emerging threats and risks we face today but also underscores the non-discriminatory nature of Australia's Immigration Program.



## Lifting of intelligence capability support to the Immigration Program

153. Prior to July 2015, Australia's immigration intelligence capability was immature, split across a range of agencies and dispersed individual teams, and did not inform a joined-up response to risks across the apply, decide, travel, stay, and depart continuum. Visa decisions were made within segments of different organisations predominantly through the prism of assessing the risk of immigration non-compliance with the Migration Act 1958; in the absence of a joined up threat lens and without, in many cases, the benefit of intelligence held by other intelligence and law enforcement agencies. For example, decision-making by former Immigration officers overseas, former Customs officers at the border, and Immigration visa and compliance officers in Australia was undertaken on different systems, and lacked a coherent approach to an individual. The Department lacked robust mechanisms to detect and assess individuals who may present a threat to Australia.
154. Today, the Department is developing a full-spectrum border intelligence capability to support the management of the Immigration Program. Intelligence enables earlier operational outcomes including individuals being refused immigration clearance at the border, offshore interdictions, and offshore visa cancellations. For example, intelligence analysis supports the Airline Liaison Offshore network—through profiles, alerts and assessments—to manage threats and treat risks daily, before they reach the Australian border. This has contributed to the detection of more than 200 impostors from source countries such as the People's Republic of China, Malaysia and Sri Lanka during the 2018-19 program year.
- At the strategic level, intelligence capability assesses migration-related threats and systemic vulnerabilities that threaten the integrity of the Immigration Program, including in relation to visa fraud and non-compliance, criminality, exploitation of labour, and human trafficking.
  - At the operational and tactical level, intelligence directly supports the Immigration Program through a network of intelligence analysts integrated with operational teams and specialist enforcement and investigative capabilities. This intelligence is particularly focused on targeting serious and organised crime and serious and deliberate non-compliance.
  - An increasing spectrum of risks and proposed treatments are captured within visa and border processing systems and provided to relevant decision-makers for consideration and action.

### Case study

Convergences of threat manifesting in one domain are now leading to discoveries in other domains. Recently, the discovery of a traveller suspected of importing illicit drugs across the border led to the immediate discovery and disruption of a large, sophisticated imposter syndicate exploiting multiple Temporary visa programs through identity and passport fraud to conceal adverse immigration histories. Agile responses by the Department and the Australian Border Force led to pre-border profiles being deployed quickly in both the visa and traveller domains. This level of immediate cross-domain analysis, threat identification and response would not have been possible previously, which focused immediate efforts on specific domains, and demonstrates the power of a more robust and joined up border-intelligence effort.

## **Biometrics and integrity screening in the Immigration Program**

155. Over the past 10 years, the Department has increased its use of biometrics to facilitate legitimate trade and travel, and protect our border and our community from threats, including criminal activity and terrorism. Australia collects biometrics from visa applicants residing in Australia and in 48 countries to detect persons of concern. The biometrics collected from applicants are checked against Departmental holdings—with higher risk cohorts checked against law enforcement data holdings, and against the data holdings of our Migration 5 (M5) partners (Canada, New Zealand, United Kingdom and United States) using a Secure Real Time Platform (SRTTP).
156. A number of innovative techniques and capabilities such as complex identity assessment have been deployed against high risk cohorts and cases of concern. The application of biometrics to historical paper based records has resulted in the streamlining of over 3,000 cases and the identification of 1,700 fraud cases as well as resolving the identity of 25 individuals in long-term detention.
157. Intelligence sharing with law enforcement agencies and M5 has strengthened since the establishment of the Department of Home Affairs resulting in more than 3,000 individuals confirmed or suspected of transnational serious and organised crime being added to watch-lists to ensure any visa applications by these individuals are individually scrutinised. The Department works with domestic and international law enforcement partners to ensure an effective response to transnational crime and the prosecution of offenders, including through extradition.

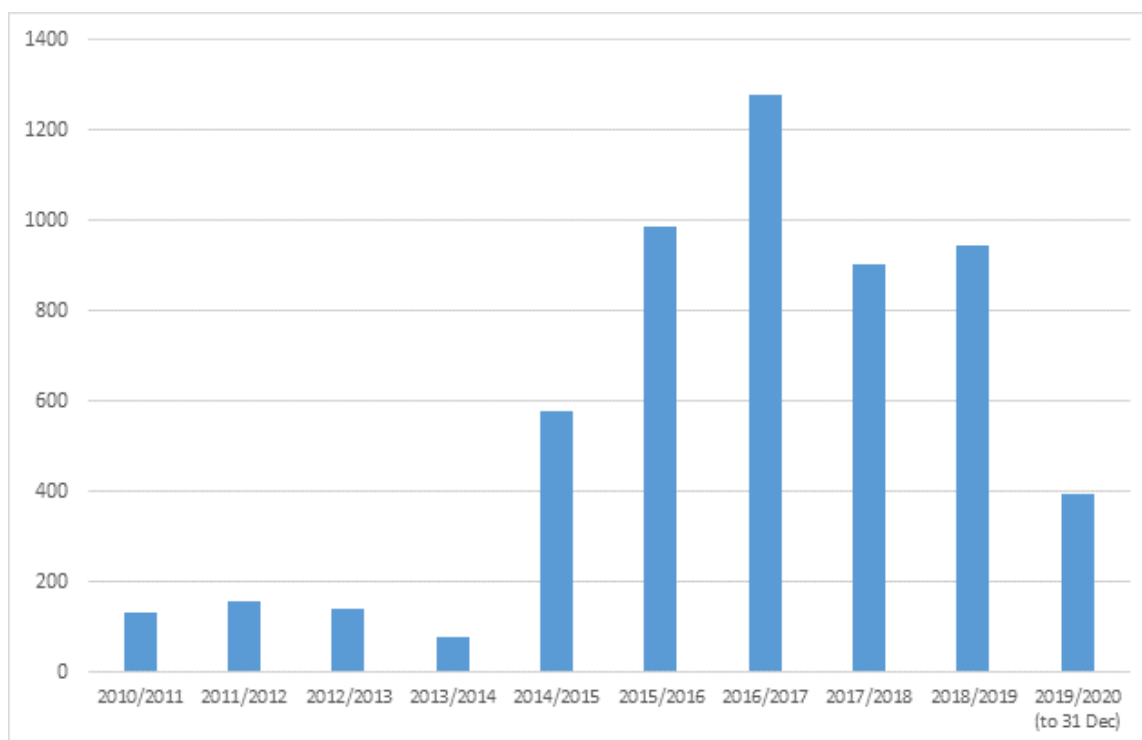
## **Delivering improved immigration integrity and community protection outcomes**

158. The Department's first priority is ensuring the safety and security of Australians. All non-citizens granted a visa must meet, and continue to meet, the character requirements set out in the Act. There are strong provisions under the Act to refuse or cancel a visa where a person is found not to be of good character. All visitors to Australia are expected to obey Australian laws and satisfy the character requirements of the Act, and applicants who have been convicted of a crime of a violent nature against women or children should generally expect to be denied entry or forfeit the right to live in Australia.
159. Under the Act, only the Minister or a delegate can grant, refuse or cancel a visa. Visa cancellation may be discretionary, mandatory or occur by operation of law. The Department takes visa cancellation decision making very seriously and achieves fair and reasonable outcomes by using an evidence-based approach for all of its decisions.
160. Our suite of cancellation powers allows the Department to respond rapidly and flexibly to emerging threats whether they are posed by an individual, organised crime group or by integrity threats to the migration program.
161. The Department responds in an agile manner to threats to the safety of the Australian community. From 1 July 2019 to 31 December 2019 396 visas were cancelled and 173 were refused under the character provisions of the Migration Act. The Migration Act provides for mandatory cancellation of visas in circumstances where the individual engages in serious criminal conduct and is serving a custodial sentence of 12 months or has been convicted for a child sex offence. In cases where the individual poses an imminent risk to the Australian community, there are discretionary cancellation powers available which enable visas to be considered for cancellation where such an individual poses a risk to the health, safety or

good order of the Australian community. From 1 July 2019 to 31 December 2019, 175 visas were cancelled using this power.

162. The ability to cancel a visa while the visa holder offshore is significant as it mitigates the risk posed by the individual ahead of the border. From 1 July 2019 to 31 December 2019 a total of 31,019 visas were cancelled offshore. Cancellation offshore may be appropriate when the visa holder's travel is imminent and there is information to suggest they may pose a risk to the Australian community or an individual in Australia. Offshore cancellations are also used when visa holders are not compliant with the conditions of the visa.
163. The Department continues to proactively identify and act upon ways to better safeguard the Australian community and work closely with partner agencies such as the Australian Federal Police, Australian Criminal Intelligence Commission, and AUSTRAC to do so.
164. Through increased collaboration with law enforcement and intelligence partners and the introduction of mandatory cancellation powers, the Department has cancelled more visas on character grounds than ever before. From December 2014 to 31 December 2019, visa cancellation decisions under section 501 of the Act increased by more than 700 per cent when compared to the previous four year period with around 5,020 visas cancelled (Figure 8 refers). Non-citizens who have had their visa cancelled are subject to immigration detention and removal from Australia.

**Figure 8:** Cancellations under section 501 of the *Migration Act 1958*: 2010-11 to 2019 19-20 (at 31 December 2019)



165. As a result of the greater use of biometrics, the leveraging of intelligence and other new information sources domestically and internationally, and through the deployment of new risk capabilities and tools, the Department has successfully detected and responded to thousands of cases of visa and identity fraud, as well as serious criminality and security concerns. This includes refusals and cancellations for the provision of fraudulent documents, committing identity fraud, and providing incorrect and/or misleading information on visa applications. Visa applicants who are refused for committing fraud are subject to a three or 10 year exclusion period, which prevents them from being granted an Australian visa. These outcomes are reflected in the increased visa refusal volumes depicted in Figures 2, 3 and 4 above. There were 147 cancellations for the provision of incorrect information and/or bogus documents and 1,349 cancellations for non-compliance with visa conditions from 1 July 2019 to 31 December 2019.
166. Between August 2016 and December 2018, 1,440 instances of potential identity fraud were detected among Permanent visa holders applying for Australian citizenship. Within the same caseload, 144 individuals were detected who didn't disclose serious criminal conduct. These cases will now be considered for possible visa cancellation. Between 2012-13 and 2018-19, 2,541 visas were cancelled in circumstances where the non-citizen provided incorrect information or bogus documents (for example, failure to declare criminal convictions, fraudulent documents).
167. In April 2019, strengthened provisions were introduced to enable certain visa holders to be considered for visa cancellation where there has been a breach of the Biosecurity Act 2015, including concealing prohibited goods or providing false or misleading statements on entry to Australia. In addition, visa holders that have been found to have imported objectionable goods without permission may have their visa considered for cancellation.
168. When an onshore immigration client has their visa cancelled, they will be engaged with the Department's status resolution service. Status resolution officers will explain to these clients what their current options are and the likely effect of the decisions they make. Status resolution officers will also connect these clients with any relevant services that may assist in resolving their immigration status.

## **Migration Compliance**

169. The Department of Home Affairs approach to immigration compliance policy supports effective border management, which is critical to the smooth flow of legitimate travellers and the trade supply chain to maintain economic growth, prosperity and security. Compliance policy encourages high levels of voluntary compliance while providing for necessary proportionate responses to those who do not comply.
170. Underpinning our compliance policy is being open, fair, and consistent with our compliance activities. Relevant activities are intelligence-informed and risk-based. The comprehensive information, guidance and advice published by the Department is a result of working collaboratively with a range of public and private sector stakeholders. The Department is also an active participant in international forums that share information, innovative practices and emerging technologies that enhance compliance policy.

# Maturing of the administration of the Immigration Program in the years ahead

171. The number of people crossing Australia's borders is expected to grow to reach nearly 50 million by 2020. In the decade ahead, we anticipate the threats and risks we face today will continue to evolve. In administering the Immigration and Citizenship Program going forward, the Department will continue to develop and advance the systems, processes and capabilities required to achieve effective facilitation while also enhancing our threat and risk mitigation as the environment changes.
172. Over the short to medium-term, the Department anticipates a continued focus on building its capabilities, through working closely with industry, domestic agencies within and beyond the Home Affairs Portfolio and international partners, in the following areas:
- Identification of emerging threats and vulnerabilities at the earliest point possible and using this information to develop, deploy and regularly update analytic models and profiles and risk systems that support visa decision makers to prevent the entry of those who would seek to undermine the intent of the Immigration Program or cause harm to our community, and our national interests
  - Further developing and embedding a consistent, whole of Immigration system wide approach to risk and assurance, which supports robust governance and focuses on achieving and maintaining immigration integrity.
  - Refining integrity controls that contribute to the mitigation of the risks inherent in the Immigration Program not only at the service delivery or 'tactical' level, but also at the broader strategic and cross-program operational levels.
  - Further automation of manual processing activities and consolidation and connection of fraud, criminality risk and security threat information from an expanded range of sources to support timely decision making and recurrent risk checking
  - Biometrics collection to anchor identity at the earliest possible point, together with advanced matching and validation capabilities
  - Increasing quality and consistency of decision-making through enhanced vocational training for visa decision makers, a single global approach to processing, better real time reporting for Immigration Program managers, an integrated model of quality assurance and regular operational practice reviews
  - Other initiatives to improve the client experience for genuine travellers and migrants.
173. Importantly, no adverse visa decision is ever made by a machine. Decisions regarding visa refusals, cancellations or other activities which otherwise take away a right, privilege or entitlement will continue to be made by departmental officials. The officer might be prompted and assisted by the latest technology and automated analytical tools, but it is a person who will be the decision-maker.