



Australian Government  
Department of Home Affairs

# The Administration of the Immigration and Citizenship Programs

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# Purpose

1. The Department of Home Affairs (the Department) has produced this paper to help external stakeholders understand how it administers Australia's Immigration and Citizenship Programs. It complements existing publicly available sources, including regularly published data, and provides a tri-annual overview of the administration of visa, citizenship, border and compliance programs, focusing on recent environmental factors, program developments and trends.

## Introduction

2. Immigration is central to Australia's national story and identity. From a population of about 7 million people after the Second World War, Australia has grown to a nation of more than 25.7 million people in 2021. In recent years, Australia's population growth has largely been driven by immigration. The Australian Bureau of Statistics (ABS) estimates that almost 30 per cent of Australia's resident population was born overseas<sup>1</sup>, a much higher level than most other Organisation for Economic Cooperation and Development countries.
3. Australia benefits from the people-to-people links generated by migration that provide economic and other opportunities and shape our international reputation. Within the immigration program, targeted visa programs – including temporary visitor, student and work visas, permanent skilled and family visas, and refugee and humanitarian visas – feed into the Australian citizenship program and operate in conjunction with border and compliance operations to support our economic prosperity, social cohesion, community safety and national security. Effective administration of Australia's Immigration and Citizenship Programs is central to ensuring these benefits and maintaining Australia's sovereignty.
4. Since the early 1970s, these programs have been elements of 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 Program. This is, in part, based on confidence in well-managed non-discriminatory migration.
5. The administration of these programs involves dual, complementary, objectives to:
  - facilitate the entry and stay of those who legitimately seek to visit, study, work, be reunited with family, or obtain protection
  - prevent the entry or stay of non-citizens attempting to disguise their true identity or intentions, or who otherwise pose a risk to the security or safety of the Australian community or to the national interest.
6. The Department's management of Australia's Immigration Program anticipates and responds to changing international circumstances. Over the longer term, this has included rapid growth in the international movement of people for a broad range of purposes, from tourism to migration.
7. In the past 20 years the number of global migrants has risen from 173 million people in 2000 to 281 million in 2020, an increasing proportion of whom have been forcibly displaced (34

<sup>1</sup> Australian Bureau of Statistics (2020), *Migration, Australia, 2019-20* [online document], Australian Government, accessed May 2021.

million in 2020)<sup>2</sup>. The various impacts of COVID-19 have disrupted this trend in Australia and elsewhere. International travel has reduced significantly over the past 12 months, including an estimated 74 per cent decline in global tourist numbers in 2020<sup>3</sup>.

## Responding to COVID-19

7. Australia's response to the COVID-19 pandemic has had an unprecedented and continuing impact on the administration of Immigration and Citizenship programs in 2020-21.
8. Since 1 February 2020, the Australian Government, based on the advice of the Australian Health Protection Principal Committee, has implemented travel restrictions designed to curb the introduction and spread of COVID-19 in Australia:
  - from 20 March 2020, non-citizens and non-permanent residents have been unable to enter Australia, with limited exemptions
  - from 25 March 2020, Australian citizens and permanent residents have been prohibited from leaving Australia, with limited exemptions.
9. The Department and Australian Border Force (ABF) jointly manage these restrictions, widely acknowledged as having assisted in limiting the spread of COVID-19 in Australia. The travel restrictions operate in conjunction with quarantine arrangements managed by state and territory governments.
10. Staff resources have been redirected to activities that support the Government's response to the pandemic, including supporting the ABF Commissioner's consideration of requests for travel restriction exemptions.
11. The pandemic and ongoing travel restrictions have significantly reduced demand for most visas. In 2020-21 to 31 March 2021, the number of non-humanitarian visa applications lodged fell by nearly 6 million, or 86 per cent compared to the same period in the previous year (see Figure 1).
12. The Department has continued to process applications and has focused on critical areas that support the national response to, and recovery from, COVID-19, and granting of visas for non-citizens in compelling and compassionate circumstances, including:
  - prioritising visas for those with an urgent need to travel, including immediate family members of Australian citizens and permanent residents
  - maintaining the lawful status of non-citizens unable to depart Australia
  - facilitating entry for individuals providing critical or specialist medical services and other critical skills required to support the national health response to COVID-19, and maintain the supply of essential goods and services

<sup>2</sup> United Nations Population Division (2021) [International Migration 2020 Highlights](#) [online document] United Nations, accessed 17 March 2021

<sup>3</sup> World Tourism Organization (2021), [INTERNATIONAL TOURISM AND COVID-19](#) [online document], UNWTO, accessed 17 March 2021



- supporting economic activity and recovery by prioritising visas for individuals with an occupation on the Priority Migration Skilled Occupation List (PMSOL) and those working in sectors critical to Australia's economic recovery, or who have the support of the Australian Government or a state or territory government authority.
13. On 4 September 2020 the Government announced the creation of the Global Business and Talent Attraction Taskforce (the Taskforce) to support the post-COVID recovery. The Taskforce is a coordinated national effort across relevant Commonwealth and state and territory agencies that is hosted by the Department and aims to attract exceptionally talented individuals and international business entities with the potential to make large-scale positive impacts on the national economy and to create quality Australian jobs.

## Travel restriction exemptions

14. Certain categories of people are automatically exempt from incoming travel restrictions, including:
- Australian citizens and permanent residents
  - immediate family members of Australian citizens and permanent residents, having regard to the definition in regulation 1.12AA of the *Migration Regulations 1994*
  - New Zealand citizens usually resident in Australia and their immediate family members
  - people who have been in New Zealand for at least 14 days prior to arrival in Australia by air
  - airline and maritime crew and people transiting Australia for 72 hours or less
  - diplomats accredited to Australia
  - Seasonal Worker and Pacific Labour Scheme visa holders
  - Business Innovation and Investment (subclass 188) visa holders.
- Other travellers must seek and obtain an individual exemption.
15. On 18 April 2021 quarantine-free travel between Australia and New Zealand commenced. Australian citizens and permanent residents who have been only in Australia or New Zealand for the 14 days immediately before departure can travel to New Zealand without applying for an outwards travel exemption. In all other circumstances, Australian citizens and permanent residents, other than those who are automatically exempt, must obtain an exemption to leave Australia. Subject to the overriding policy positions outlined at paragraphs 17 to 19 below, exemptions for outbound travel are available if the proposed travel is for:
- attending the funeral of a close family member (parent, sibling, partner, child or grandparent) regardless of length of intended travel
  - travelling due to critical or serious illness of a close family member (parent, sibling, partner, child or grandparent) regardless of length of intended travel
  - travelling for necessary medical treatment not available in Australia
  - picking up a minor child (adoption, surrogacy, court order etc) and return to Australia with that child
  - completing an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract
  - travelling to an Australian territory which is outside the migration zone
  - other compelling reason for travel where travel is for less than three months

- travelling on business, regardless of length of intended travel
  - travel where a previous request was approved and the reasons for travel have not changed
  - travel deemed to be in the national interest
  - travel in response to the COVID-19 outbreak, including the provision of aid.
16. The Department has established an online portal for exemption applications. Prior to July 2020 when that system became operational, exemption request and decision-making was managed through arrangements reliant on emails that were urgently established when the travel ban and exemptions were first announced in March 2020. For this reason, reporting on applications and decisions made can only be prepared by individually examining requests and decision records, and manually calculating totals. Outcomes and processing times are set out in Table 1.

**Table 1:** Travel Exemptions processing from March 2020<sup>4</sup> to 31 March 2021

	Inbound	Outbound
Requests received	263,905	281,630
Total requests finalised	261,337	280,930
<i>Requests approved</i>	42,252	134,758
<i>Requests refused</i>	84,776	63,774
<i>Requests otherwise finalised<sup>5</sup></i>	134,309	82,398
Average processing time <sup>6</sup>	3 days 14 hours	1 day 6 hours

Source: **Department of Home Affairs, 2021**

## Travel to Papua New Guinea (PNG)

17. On 18 March 2021, the Australian Government decided, based on current health advice, that the COVID-19 outbreak in PNG means travel to PNG from Australia presents a serious health risk to the Australian community. People seeking an 'exceptional circumstances' exemption to travel from Australia to PNG will only be approved in extremely limited circumstances, for example:
- for critical workers providing assistance to PNG's COVID-19 response; and
  - people undertaking critical safety roles.

## Travel to high-risk COVID-19 countries

18. On 22 April 2021 the National Cabinet decided that travel to high-risk COVID-19 countries presents a serious health risk to the Australian community.

<sup>4</sup> Since 20 March for inwards exemptions and 25 March for outward exemptions.

<sup>5</sup> Otherwise finalised includes persons found to meet an early exempt category, withdrawn requests and those that did not contain sufficient information for referral to a decision maker.

<sup>6</sup> Average processing times only available for cases finalised from 1 August, when all processing moved to the purpose built Travel Exemption Portal.

- Exceptional circumstances travel exemptions for any travel from Australia to high-risk COVID-19 countries are strictly limited. As at 18 May 2021, this advice applies to the Republic of India.
19. Individuals seeking an ‘exceptional circumstances’ exemption to travel from Australia to high-risk COVID-19 countries will only be approved for the following very limited circumstances:
- critical workers providing assistance to the country of destination’s COVID-19 response;
  - persons undertaking travel in Australia’s national interest; or
  - persons seeking urgent medical treatment for a critical illness that is unable to be treated in Australia.

## **Temporary visa measures**

20. The Government has introduced temporary visa arrangements in response to COVID-19 to support public health measures, protect the health of the community, safeguard jobs for Australians, support critical sectors and assist with economic recovery. Key measures include:
- the creation of a COVID-19 Pandemic event visa through the Subclass 408 (Temporary Activity) visa to assist with regularising the visa status of individuals in Australia working in critical sectors such as health, aged and disability care, childcare, agriculture and food processing during the pandemic
  - the introduction of the PMSOL to facilitate the migration of people with critical skills through employer sponsored visa programs, from both onshore and offshore
  - strengthened labour market testing for employer sponsored visa applications
  - relaxation of the 40 hours per fortnight working hours for international students working in critical sectors
  - exempting Working Holiday Makers from the six month work limitation with one employer if working in a critical sector
21. Other measures have been implemented to support visa holders in Australia impacted by COVID-19, including Visa Application Charge waivers, the relaxation of certain visa conditions and concessions to some visa requirements for certain cohorts (see discussion of relevant visa programs).
22. Information about the measures the Government has taken in response to the COVID-19 pandemic is regularly updated and available on the Department’s website at <https://covid19.homeaffairs.gov.au/>.

## **Measures to support regional Australia**

23. The Government has introduced measures to respond to the specific impacts of COVID-19 on regional Australia, including:
- allowing 12 months stay with work rights for those working in critical sectors, including agriculture, under the COVID-19 Pandemic Event visa
  - in July 2020, classifying certain agricultural workers as critical for the purpose of exemption from Australia’s travel restrictions
  - in August 2020, commencing arrangements for a targeted trial to help Northern Territory mango producers address critical labour shortages



- in August 2020, restarting the Pacific Labour Scheme and Seasonal Worker Program to help fill labour shortages in key agricultural sectors
- in September 2020, introducing temporary arrangements to assist skilled regional provisional visa holders, including the Skilled Regional (Provisional) visa (subclass 489), impacted by COVID-19 retain their eligibility for a Skilled Regional (Permanent) visa (Subclass 887)
- in January 2021, introducing additional flexibility to enable temporary workers in Australia to continue to support the agricultural sector, including:
  - extending the timeframe to apply for a COVID-19 Pandemic event visa from 28 days to 90 days before an existing temporary visa expires
  - removing the COVID-19 Pandemic event visa requirement that visa applicants must demonstrate their attempts to depart Australia where they intend to undertake agricultural work
  - relaxing the 40 hours per fortnight work limitation for student visa holders who undertake work in the agricultural sector
- in January 2021, extending post-study visa arrangements for international graduates who graduated from a regional educational institution and lived in a regional area on their first Temporary Graduate Visa (TGV), post-study work stream.

## **Service delivery during COVID-19**

24. The pandemic has affected the Department's capacity to deliver services and programs in Australia and overseas.
25. In line with relevant state and territory government public health directions, the Department has from time to time suspended in-person appointments in Australia for immigration and citizenship services. Access to panel doctors and English language testing facilities was also affected. To support restarting in-person appointments, COVID-safe measures were implemented and related messaging included in all client correspondence.
26. For much of 2020, 96 of 99 Service Delivery Partner (SDP) locations overseas were closed due to local COVID-19 restrictions. Throughout the pandemic, SDPs have been dealing with a dynamically changing situation in many countries, with local governments declaring measures such as business closures, self-isolation, travel bans and advisories on social distancing. This has resulted in ongoing service disruptions.
  - At 31 March 2021, the Department had 68 SDP locations across 41 countries in operation to provide biometric collection services.
27. During the past 12 months the Department's staffing resources have been diminished around the world as countries responded to local health impacts of COVID-19. At the peak in April 2020, about 75 per cent of Australian-based staff from the overseas network had, or were seeking to, return home and less than 10 per cent of locally engaged staff were undertaking visa processing work. As at 31 March 2021, the overseas network was operating at about 75 per cent of overall capacity. Priority cases have been distributed to utilise global capacity, with posts less impacted by COVID-19 prioritising some caseloads that are usually processed in Australia or other overseas locations.
28. Within Australia, 44 per cent of visa processing staff capacity has been redirected to COVID-19 related critical functions including COVID-19 border measures, visa processing to support the Government's COVID-19 priorities and COVID-19 related program management

and recovery. This includes approximately 200 staff from visa processing and border management roles to travel exemption processing.

29. The Department's websites have played an important role in providing information to clients and the Australian community. In March 2020, it launched the COVID-19 and the border website ([covid19.homeaffairs.gov.au](https://covid19.homeaffairs.gov.au)). This was followed by the COVID-19 in your language website ([covid19inlanguage.homeaffairs.gov.au](https://covid19inlanguage.homeaffairs.gov.au)) in April 2020 to ensure key information is available to communities whose first language is not English. The site contains relevant information and more than 40 fact sheets in 63 languages on topics including health, education, business and financial support, community safety and settlement services, and visas and the border.
30. The Department also extended the operations of its global call centre during the pandemic. Government announcements relating to travel restrictions and support measures for industry and temporary visa holders during the pandemic led to a 22 per cent increase in call demand during February and March 2020.
31. While processing of citizenship applications has continued throughout the pandemic, in-person citizenship appointments and tests were temporarily placed on hold due to COVID-19 risks and restrictions. Staff were redirected to conducting online citizenship ceremonies, which were introduced on 31 March 2020.

## Outlook

32. Effective management of Australia's borders and of the pandemic has been reflected in sustained social cohesion and support for immigration and multiculturalism throughout 2020<sup>7</sup>. The Scanlon-Monash Index of social cohesion moved in a positive direction in 2020, with an increased proportion of respondents (71 per cent) indicating that 'accepting migrants from many different countries makes Australia stronger' and fewer respondents regarding Australia's immigration intake as too high (38 per cent).
33. Migration is a significant contributor to Australia's population and economy, supporting growth in productivity and raising workforce participation rates. An increase of 25,000 in Net Overseas Migration (NOM), as a rule of thumb, will increase gross domestic product (GDP) growth by more than 0.1 percentage points per annum.
34. However, NOM forecasts developed by the Treasury for the 2021-22 Budget indicate that as a result of ongoing global travel restrictions, NOM will not return to pre-COVID levels until 2023-24.
35. Immigration will play a critical role in economic recovery from the pandemic. Accordingly, the Migration Program has been designed to provide flexibility to respond to evolving border measures and economic circumstances. Carefully targeting the Migration Program to address current and longer-term economic needs, with a focus on visa categories that best address Australia's labour market needs and growth objectives, will help to address the impacts of the pandemic and support broader COVID-19 response efforts as Australia moves into the next phase of economic recovery and prepares for international travel restrictions to ease.
36. Given global uncertainty about the trajectory of the COVID-19 virus, it is difficult to forecast international migration trends for the next few years. Australia's health and economic response to COVID-19 compares favourably to other nations. This presents an opportunity for

<sup>7</sup> Scanlon Foundation Research Institute (2021:5), *Mapping Social Cohesion: The Scanlon Foundation Surveys 2020* [online document], SFRI, accessed 16 March 2021.

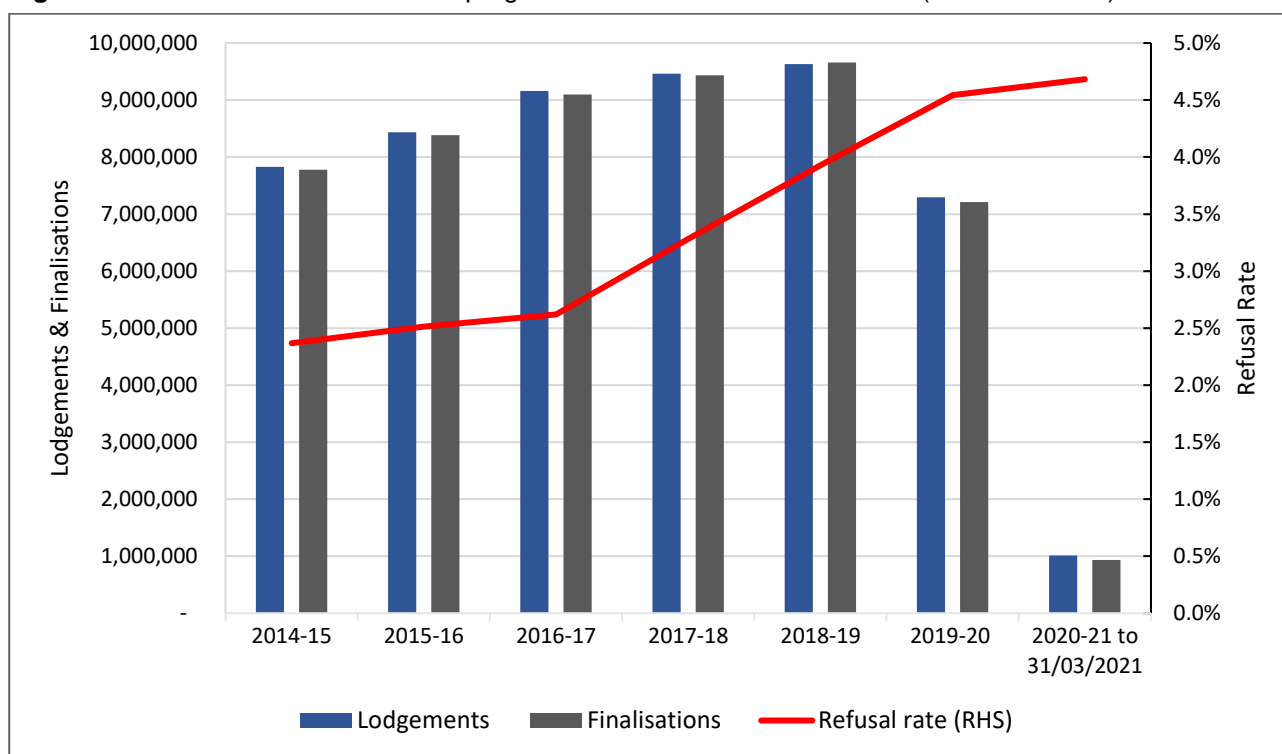
elements of Australia's skilled migration program to proactively attract entrepreneurs and start-ups as well as exceptionally talented individuals and high yield companies that will make a significant contribution to the economy and create high quality Australian jobs. This work is the focus of the Taskforce.

# Administering the Immigration Program in 2020-21

## Broad visa trends

37. Before the pandemic, the number of non-humanitarian visa applications lodged by people seeking to enter or remain in Australia had shown consistent annual growth (Figure 1 below).
- From 2014–15 to 2018–19, temporary and permanent visa applications grew by about 1.8 million, or 23 per cent.
  - In 2019–20, the effects of COVID-19 reduced visa applications by more than 2.3 million, or 24 per cent, compared to the previous year.
  - As at 31 March 2021, visa applications have declined by nearly 6 million, or 86 per cent, compared to the same period in 2019-20.
38. The increase in refusal rates over time reflects the Department's use of more sophisticated risk analysis and systems to assist in the assessment of applications and better identification of risks and attempted visa fraud.

**Figure 1:** Total non-humanitarian visa programs trends: 2014–15 to 2020-21 (31 March 2021)



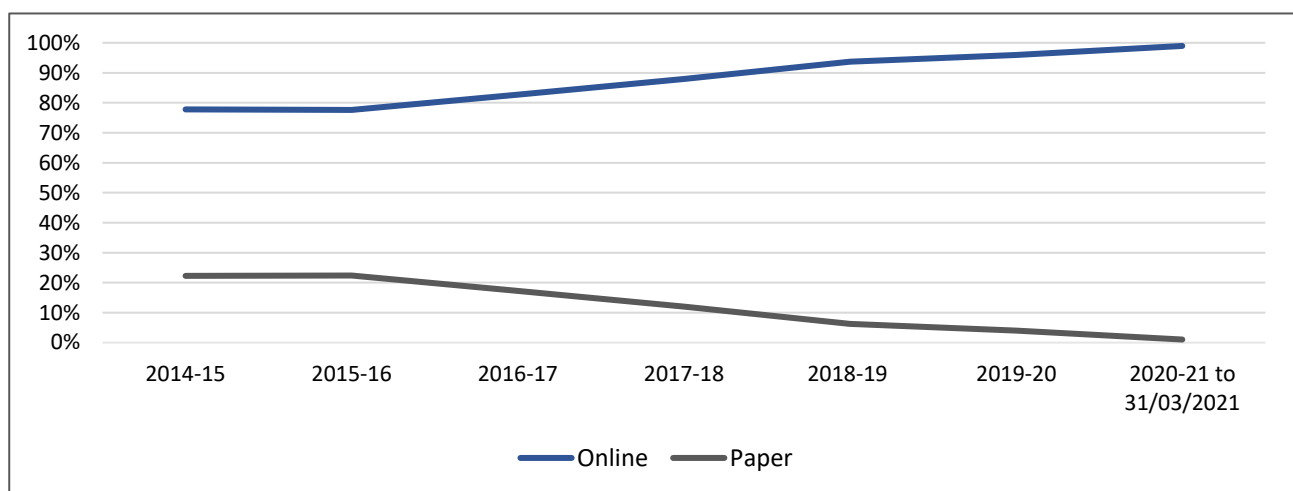
Source: Department of Home Affairs, 2021

39. The Department continues to assess applications on a case-by-case basis in line with Government priorities (including priorities set in response to COVID-19) and visa criteria.
40. Other factors that affect 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.

41. Despite the growing volume and risk, the Department has achieved greater productivity, finalising more applications each year by:

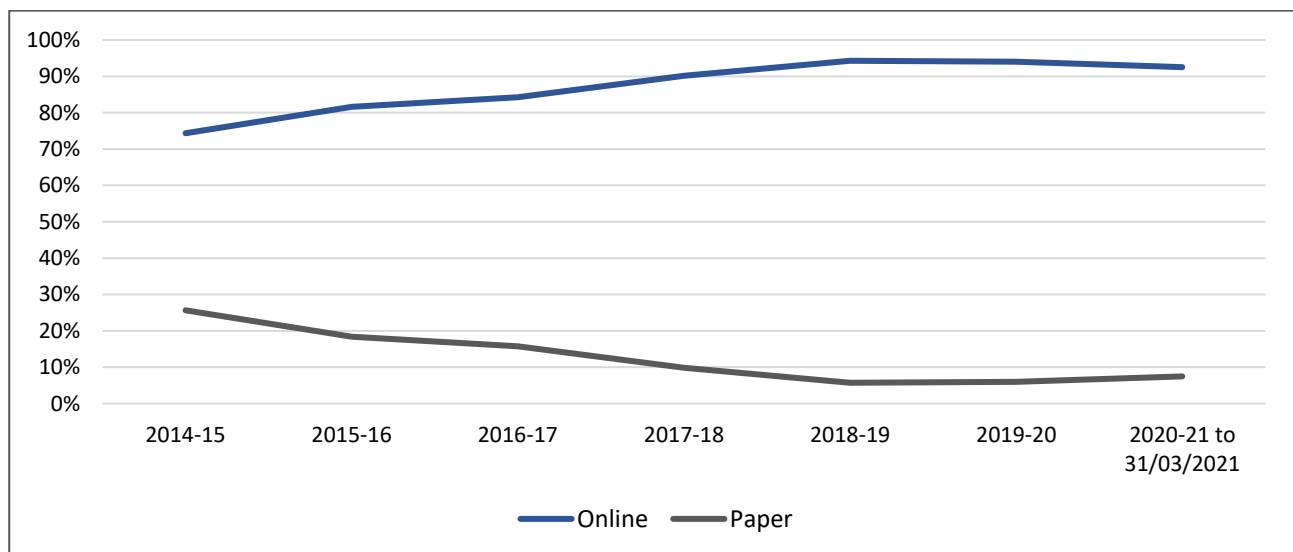
- encouraging the take up of online lodgement, which reduces manual data entry. As at 31 March 2021:
  - 99 per cent of all temporary visa applications were lodged electronically, compared to 78 per cent in 2014-15 (see Figure 2 below)
  - 93 per cent of all permanent visa applications were lodged electronically, compared to 74 per cent in 2014-15 (see Figure 3 below)
- continually improving systems and processes
- increasingly consolidating visa processing into hubs on- and off-shore that improve efficiency, consistency and integrity.

**Figure 2:** Growth in online lodgements for the temporary visa program: 2014–15 to 31 March 2021



Source: Department of Home Affairs, 2021

**Figure 3:** Growth in online lodgements for the permanent visa program: 2014–15 to 31 March 2021



Source: Department of Home Affairs, 2021

## Net Overseas Migration

42. NOM is the net gain or loss of population through immigration to Australia and emigration from Australia. NOM is based on international travellers staying in or out of the country for 12 months or more over a 16-month period. The term 'international travellers' includes all visa holders, and New Zealand and Australian citizens. NOM continually varies and can be difficult to forecast accurately as it is affected by many complex domestic and international factors. Between 2008 and 2018, NOM remained between 172,000 and 315,700 per annum.
43. Since the year ending June 2006, NOM has been a key driver of Australia's population growth. Migrants not only boost population, they also support increases to labour force participation rates and productivity<sup>8</sup>.
44. NOM is significantly affected by international travel restrictions and weaker labour markets domestically and globally. The latest NOM forecasts developed by Treasury in the 2021-22 Budget indicate NOM will move from a net inflow of approximately (+) 194,000 in 2019-20 to a net outflow of around (-) 97,000 persons by the end of 2020-21, then to around (-) 77,000 in 2021-22, before gradually increasing to around (+) 235,000 in 2024-25 (see Table 2 below).

**Table 2:** Net Overseas Migration forecasts, for years ending 30 June

	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
<b>Net overseas migration, Australia</b>	194,400	-96,600	-77,400	95,900	201,100	235,000

Source: **Budget 2021-22, Commonwealth of Australia, May 2021**

45. Australia's population is projected to be 4.4 per cent smaller (1.1 million fewer people) by 2030-31 than it would have been had it not been for the global pandemic. It is now estimated to reach 28.8 million by 2028-29, three years later than in the absence of COVID-19.

## Temporary visas

46. Australia's temporary visa programs allow people to come to Australia for a broad range of specific purposes including to visit, study, for international relations, and to undertake work that deliver substantial economic and cultural benefits. The student and visitor visa programs are key enablers for Australia's international education and tourism sectors, two of the largest export sectors.
47. A proportion of temporary visa holders apply for a further temporary visa while in Australia and some temporary visa holders also apply to stay permanently through the Migration Program (see paragraphs 95 to 97).
48. COVID-19 has resulted in a decrease in the overall number of temporary visa holders in Australia as a consequence of the greatly reduced number of new arrivals and the departure of many temporary visa holders (see Table 3).
49. On 31 March 2021, there were over 1.7 million people in Australia on temporary visas compared to over 2.1 million in 31 March 2020, a reduction of 19 per cent.

<sup>8</sup> Productivity Commission 'Migrant intake into Australia' Report, 2016; Treasury 'Intergenerational' Report, 2015



- Of those remaining in Australia, an estimated 1.64 million have work rights.

50. New Zealand citizen Special Category visa holders are the largest cohort of temporary residents (see Table 3 below), all of whom have work rights. Many are long term residents in Australia and there has been a relatively small decline in the size of this cohort during the pandemic. The largest percentage decreases have related to the Visitor and Working Holiday Maker visas. The increase in bridging visa holders is principally a function of special COVID-19 related arrangements put in place to maintain the lawful status of temporary visa holders unable to depart Australia (including in circumstances where they would not normally be permitted to apply for additional visas while in Australia).

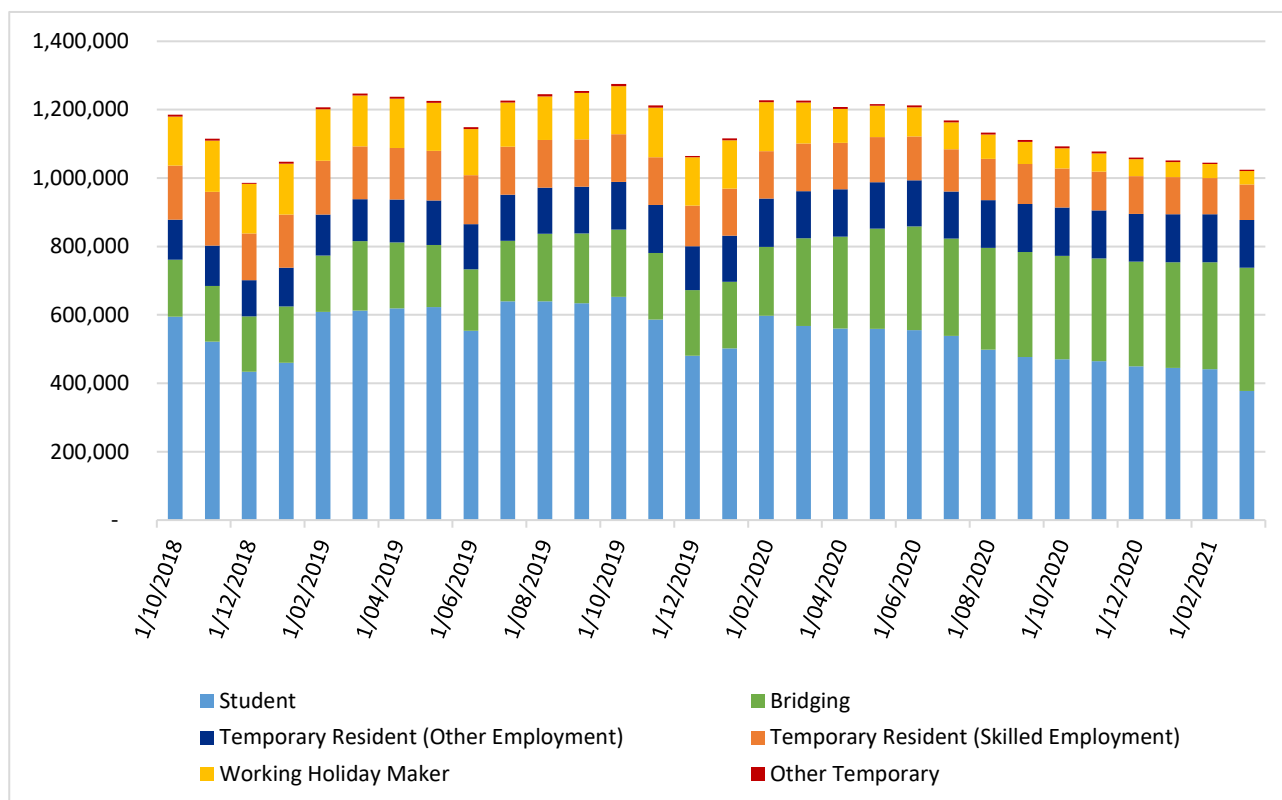
**Table 3:** Change in the Number of Temporary visa holders in Australia, 31 March 2020 to 31 March 2021

Visa Category	31-03-20	31-03-21	Difference	% Change
<b>Bridging<sup>9</sup></b>	256,529	359,981	103,452	40.3%
<b>Crew and Transit</b>	26,252	10,455	-15,797	-60.2%
<b>Other Temporary</b>	5,576	4,107	-1,469	-26.3%
<b>Special Category</b>	672,432	659,254	-13,178	-2.0%
<b>Student</b>	567,924	377,785	-190,139	-33.5%
<b>Temporary Protection</b>	17,223	18,108	885	5.1%
<b>Temporary Resident (Other Employment)</b>	137,624	139,659	2,035	1.5%
<b>Temporary Resident (Skilled Employment)</b>	139,331	104,333	-34,998	-25.1%
<b>Visitor</b>	206,025	28,741	-177,284	-86.0%
<b>Working Holiday Maker</b>	119,266	38,630	-80,636	-67.6%
<b>Grand Total</b>	2,148,182	1,741,053	-407,129	-19.0%

Source: Department of Home Affairs, 2021

<sup>9</sup> Excludes Bridging Visa E holders

**Figure 4:** Number of Temporary selected visa holders in Australia<sup>10</sup>, October 2018 to March 2021



Source: Department of Home Affairs, 2021

## Pandemic event visa

51. On 4 April 2020, the Government announced that a COVID-19 Pandemic event stream within the subclass 408 Temporary Activity visa would be available to allow temporary visa holders in Australia to remain lawfully during the pandemic:

- to work in critical sectors including agriculture, food processing, health care, aged care, disability care and child care
- if they have no other visa options and are unable to depart Australia due to COVID-19 travel restrictions.

52. As at 31 March 2021, 38,795 visa applications had been received and 18,351 visas granted, primarily to workers in critical sectors. Critical sector applications are given processing priority and, where all requirements are met, are finalised faster than published processing times.

## Visitors

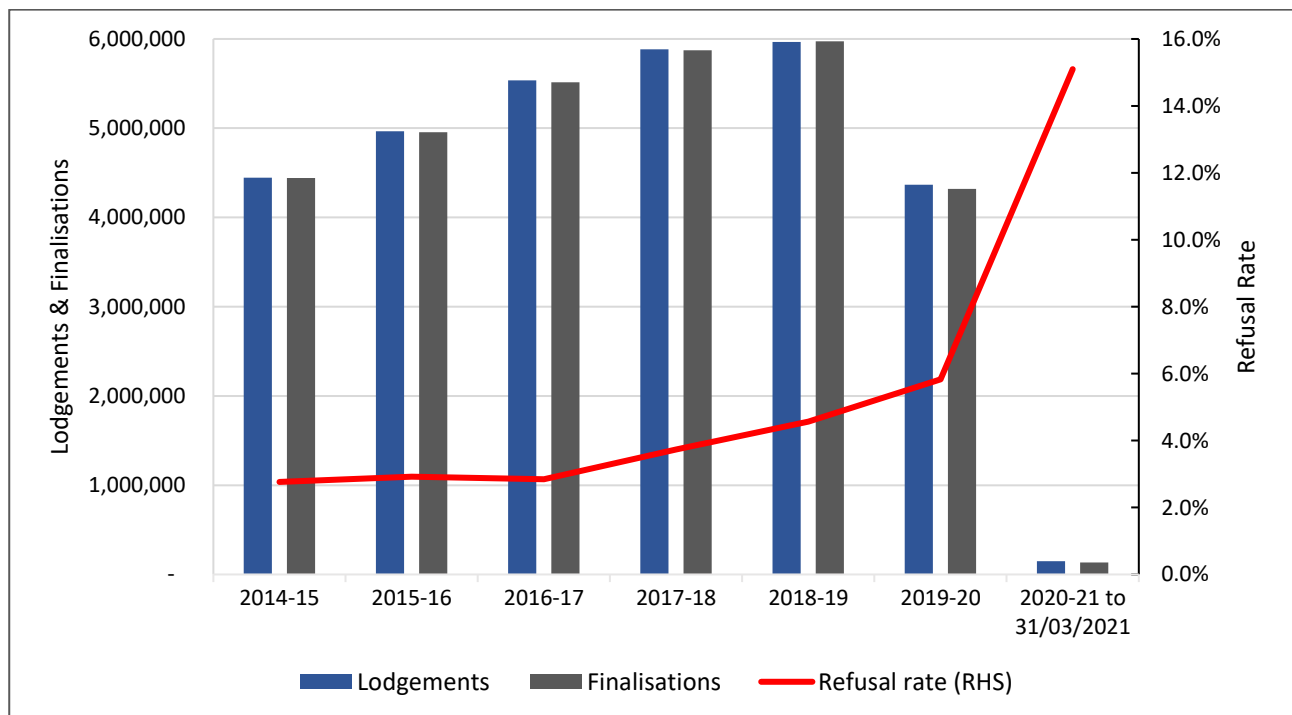
53. International tourism provides substantial economic benefits and generates jobs, investment and growth in communities throughout the country. The Department supports this industry through expedited online and electronic visitor visa options.

54. Prior to the outbreak of COVID-19, international tourism had been projected to continue to grow and Visitor visa applications had sustained year-on-year growth. The global pandemic, subsequent reduction in demand for international travel, and strict border measures to protect the health of the Australian community, have significantly affected demand for visitor visas.

<sup>10</sup>-Excludes Visitor, Crew, Transit, Other Protection, Bridging Visa E and Special Category visa holders

- As at 31 March 2021, the number of Visitor visa holders in Australia has declined by approximately 86 per cent compared to the previous year (see Table 2).
55. International visitors spent \$22.4 billion<sup>11</sup> in the year ending 30 September 2020, a 51 per cent decrease compared to the previous year.
  56. Since the outbreak of COVID-19, the Department's focus in relation to Visitor visas has been to assist visitors in Australia to remain lawful until they are able to depart and to manage applications from people overseas who are exempt from travel restrictions, including immediate family members of Australians and people needing to travel for compelling and compassionate reasons. Between April and December 2020, 10,876 Visitor visa holders arrived in Australia, either because they were in an exempt category, such as immediate family of an Australian citizen or permanent resident, or they had been granted an individual exemption, for example to visit a critically ill family member or to attend a funeral.
  57. Recognising that many existing visa holders will have been prevented from travelling to Australia during the pandemic, concessions have been introduced to allow Visitor visa holders outside of Australia, whose previous Visitor visa expired, or will expire, between 20 March 2020 and 31 December 2021, to receive a waiver of the visa application charge for a future Visitor visa applied for by 31 December 2022.
  58. Refusal rates for visitor visas have trended upwards since 2014–15 as decision makers have had access to more sophisticated risk analysis and systems to assess applications (see Figure 5 below). Refusal rates have increased in 2020-21 due to low finalisation rates, high withdrawal rates and reprioritisation of visa caseloads during the COVID-19 pandemic, but are expected to return to trend as demand for international travel increases and high volume processing restarts.

**Figure 5:** Visitor visa program trends: 2014–15 to 2020-21 (to 31 March 2021)



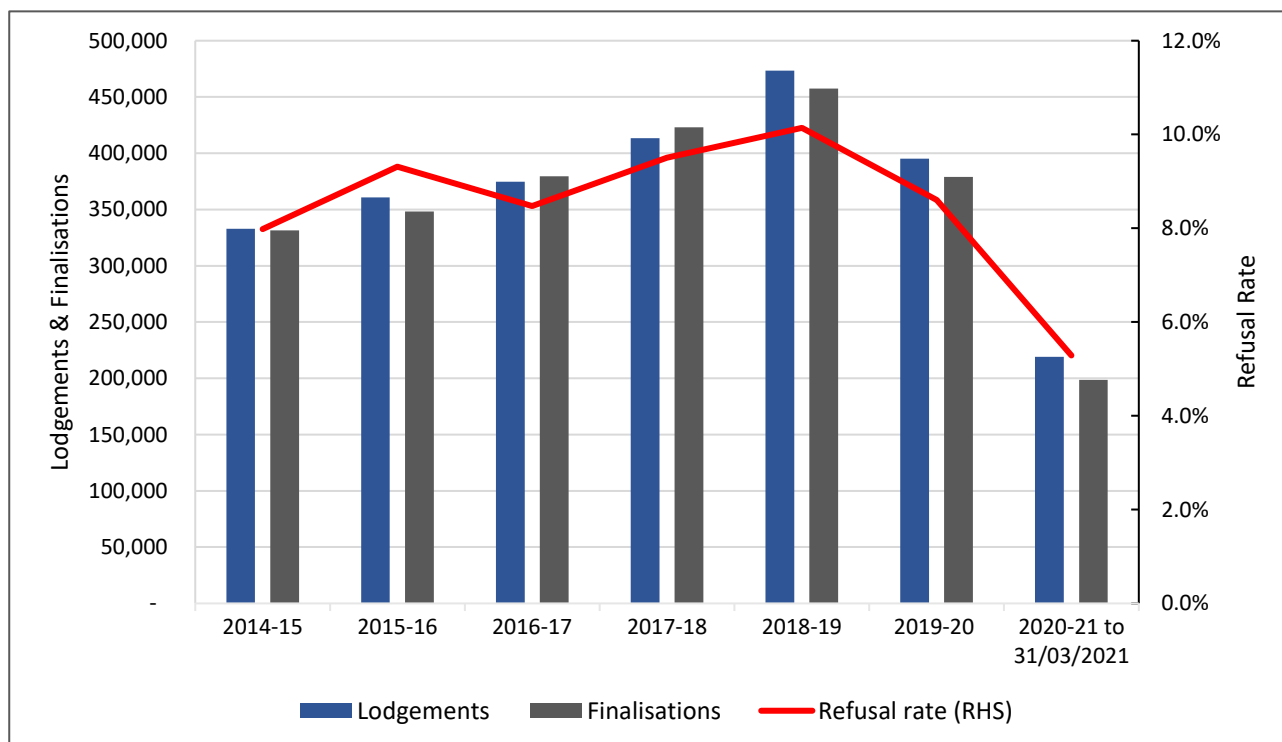
Source: Department of Home Affairs, 2021

<sup>11</sup> Tourism Australia's International Tourism Snapshot, [www.tourism.australia.com](http://www.tourism.australia.com)

## Students

59. The international education, training and research sectors make an important economic, social and cultural contribution to Australia. International education was worth \$37.5 billion to the economy in 2019-2020<sup>12</sup> and supported nearly 250,000 jobs in 2018-19. Student visas enable genuine international students to pursue their chosen course of study in Australia, provided the course is subject to Australia's quality assurance framework for international education, set out under the *Education Services for Overseas Students Act 2000*.
60. Demand for Student visas has typically depended on factors such as education sector quality and reputation, cost, marketing, and the value of the Australian dollar. The Department works with the Department of Education, Skills and Employment, Austrade and education regulators to support a consistent whole-of-government approach to the international education sector.
61. Prior to the pandemic, the Department had supported continued growth in the sector. The consequences of the pandemic, including ongoing travel restrictions, have led to a significant reduction in Student visa applicants (see Figure 6 and Table 5) and, to a lesser extent, in the number of Student visa holders in Australia (see Tables 3 and 4).
  - In 2020-21 (to 31 March 2021), offshore student visa lodgements fell 61.6 per cent and onshore lodgements by 10.9 per cent, compared to the same period in 2019-20.
  - Some Students have chosen to return to their home country during the pandemic, however, almost 377,785 student visa holders remain in Australia (see Table 4).

**Figure 6:** Student visa program trends: 2014–15 to 2020-21 (31 March 2021)<sup>1</sup>



Source: **Department of Home Affairs, 2021**

<sup>1</sup>The data includes all primary and secondary Student visa applications

<sup>12</sup> Department of Education, Skills and Employment (2020) *Education export income by country 2019-20* [online document], Australian Government, accessed 25 February 2021

**Table 4:** Number of Student visa holders in Australia, quarterly to 31 March 2021.

Sector	31-Dec-19	31-Mar-20	30-Jun-20	30-Sep-20	31-Dec-20	31-Mar-21
Foreign Affairs or Defence Sector	2,832	4,393	4,278	3,471	2,579	2,130
Higher Education Sector	267,555	330,497	329,720	267,286	250,346	192,716
Independent ELICOS Sector	24,950	22,952	15,756	9,762	6,436	4,382
Non-Award Sector	3,241	4,834	2,799	565	348	163
Postgraduate Research Sector	22,472	27,069	25,645	23,841	22,426	21,193
Schools Sector	6,808	17,949	17,336	16,565	14,726	10,758
Student (Not Further Specified)	11	11	11	11	11	11
Vocational Education and Training Sector	152,674	160,219	159,765	154,882	153,060	146,432
<b>Grand Total</b>	<b>480,543</b>	<b>567,924</b>	<b>555,310</b>	<b>476,383</b>	<b>449,932</b>	<b>377,785</b>

Source: Department of Home Affairs, 2021

62. All education sectors have experienced reduced demand from international students due to the COVID-19 pandemic (see Tables 4 and 5).
- The Non-Award and English Language Intensive Courses for Overseas Students (ELICOS) sectors have been the most impacted, with application numbers decreasing by 97 per cent and 84 per cent, respectively, in 2020-21 (as at 31 March 2021) compared to the same period in 2019-20 (see Table 5 below).

**Table 5:** Change in the number of Student visa applications lodged by sector, 2019-20 to 2020-21

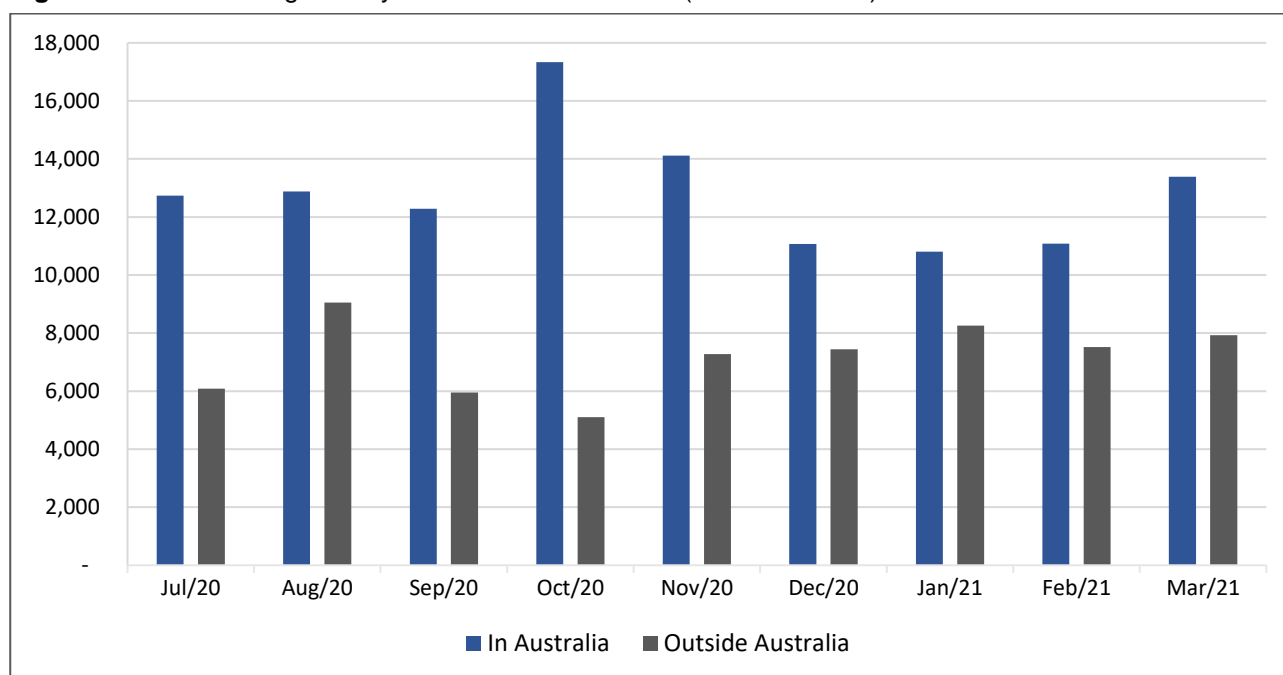
Sector	2019-20 to 31/03/2020	2020-21 to 31/03/2021	Difference	% Change
Foreign Affairs or Defence Sector	3,537	1,434	-2,103	-59.5%
Higher Education Sector	180,673	123,543	-57,130	-31.6%
Independent ELICOS Sector	33,983	5,375	-28,608	-84.2%
Non-Award Sector	12,111	309	-11,802	-97.4%
Postgraduate Research Sector	10,273	7,725	-2,548	-24.8%
Schools Sector	7,213	2,263	-4,950	-68.6%
Vocational Education and Training Sector	102,201	78,518	-23,683	-23.2%
<b>Grand Total</b>	<b>349,991</b>	<b>219,167</b>	<b>-130,824</b>	<b>-37.4%</b>

Source: Department of Home Affairs, 2021

63. The Government has made temporary changes to provide flexibility for student visas holders and to support their continued study in Australia. These include:
- prioritising the grant of student visa applications lodged in locations outside Australia (see Figure 7)
  - permitting international students to lodge a further student visa application free of charge if COVID-19 has meant they were unable to complete their studies while their original visa was still valid

- allowing student visa holders studying online outside Australia due to COVID-19 to count that study towards the Australian study requirement for a post-study work visa
- allowing graduates who held a student visa to be eligible to apply for a post-study work visa outside Australia if they were unable to return due to COVID-19
- giving applicants extra time to provide English language results, biometrics or health checks if COVID-19 disrupted access to these services.

**Figure 7:** Student visa grants by client location: 2020-21 (31 March 2021).



Source: Department of Home Affairs, 2021

64. To boost the labour supply in critical sectors, work conditions have been adjusted to allow international students to work beyond the usual maximum of 40 hours a fortnight, if they work in critical sectors, including the agricultural, health care, aged care, disability and tourism and hospitality sectors.

## Working Holiday Makers

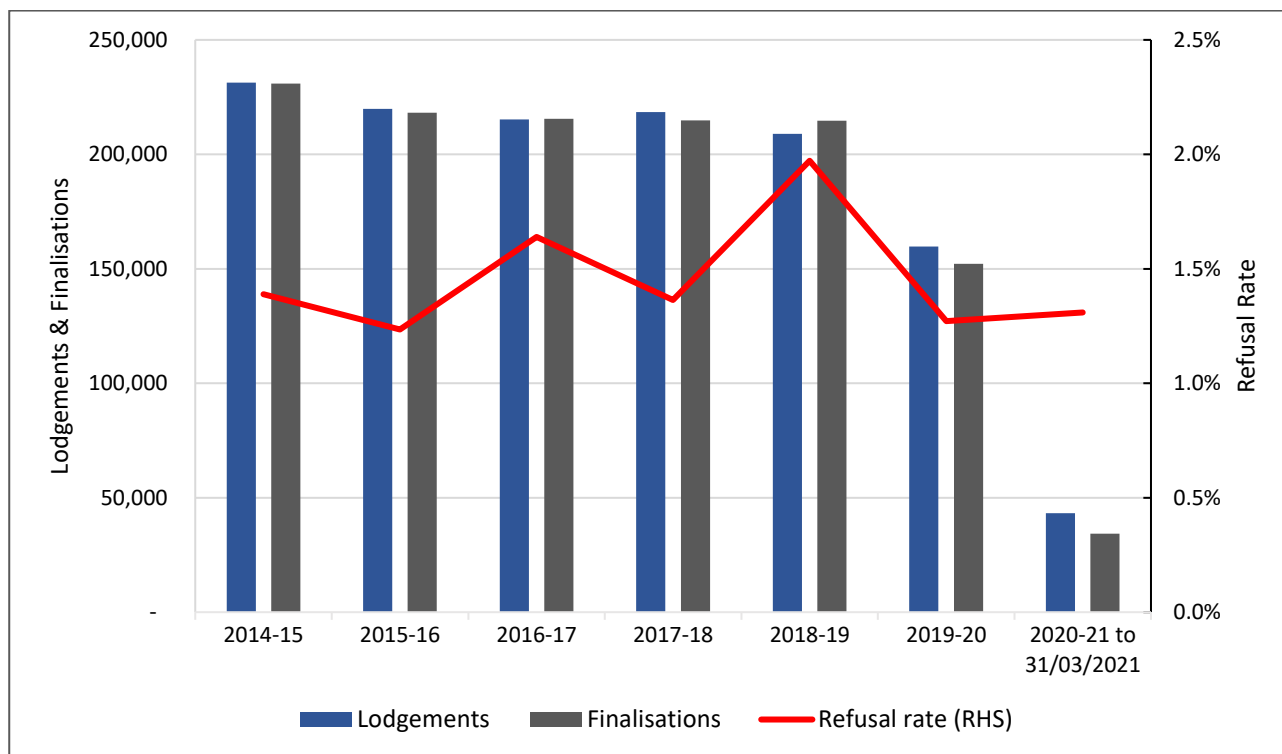
65. The Working Holiday Maker (WHM) program has been in place since 1975. It promotes cultural exchange and boosts people-to-people links between young adults from Australia and 44 other countries by providing opportunities to travel and undertake short-term work during their holiday. Working holiday makers have also provided a valuable source of workers in some key sectors.
66. WHM visa holders make a significant contribution to the economy, not just for the work they do, but because of the economic contribution they make to the tourism and travel industry. Tourism Australia figures suggest the program contributes about \$3.1 billion to the Australian economy<sup>13</sup>.

<sup>13</sup> Parliament of Australia, [Inquiry into the Working Holiday Maker Program](#), 2020



67. While WHM visa holders do not have to work at all while in Australia and are not limited in the work they can undertake, program settings encourage work in regional areas, particularly in the agricultural sector to help with seasonal work. WHM visa holders can apply for a second WHM visa if they have completed three months of 'specified work' in a designated regional area. Second WHM visa holders who complete six months of 'specified work' can apply for a third WHM visa.
68. There are no employer sponsorship requirements for WHM visa holders (unlike other work visa programs) and hence sanctions, such as sponsorship cancellation or barring further sponsorship, are not available as a response by the Department to any instances of proven worker exploitation (further discussed at paragraphs 204-210). The Department provides information to WHM applicants and visa holders directly, and on its website, in relation to working conditions and protections. WHM Visa holders are subject to the same employment laws and complaints/enforcement mechanisms as Australian workers.
69. In response to COVID-19, the Government introduced arrangements allowing temporary visa holders, including WHM holders, working in sectors critical to the supply of goods and services to extend their stay in Australia (see paragraph 23). In addition, the definition of specified work for WHMs has been extended to include critical COVID-19 roles in the healthcare, aged care and medical sectors. This change means, for example, that WHM holders working in areas such as contact tracing are eligible for a further WHM visa without leaving to carry out specified work in a designated regional area. WHMs employed in critical sectors are also exempt from the six month work limitation with one employer.
70. Similar to concessions provided for the Visitor visa program, the Government has decided that visa application charges may be waived for current and former WHM visa holders who were unable to travel to Australia due to travel restrictions, or who departed due to the pandemic, and who apply for a new visa before 31 December 2022.
71. The COVID-19 pandemic has led to a decrease in visa demand for the WHM program (see Figure 8) and the number of WHM visa holders in Australia (see Table 3).
- As at 31 March 2021, the number of WHM visa holders in Australia had declined by around 68 per cent compared to the same period in 2019-20.
  - In 2020-21 (up to 31 March 2021), some 33,027 WHM visas have been granted. This is a 76.7 per cent decrease compared to the same period in 2019-20, and down from a peak of 258,248 visa grants in 2012-13.
72. In addition to the impacts of COVID-19, demand for WHM visas is generally influenced by local and international labour markets, economic conditions and changes in currency exchange rates.

**Figure 8:** Working Holiday Maker visa trends: 2014–15 to 2020–21 (to 31 March 2021)



Source: Department of Home Affairs, 2021

## Temporary Skilled Work

73. The Government introduced the Temporary Skill Shortage (TSS) visa in March 2018. The TSS visa replaced the Temporary Work (Skilled) (subclass 457) visa.

- It was introduced as part of a broad range of measures designed to strengthen the integrity and quality of Australia's skilled visa programs and to address public concerns about the displacement of Australian workers.
- The visa is underpinned by a robust integrity framework, including ongoing sponsorship obligations for employers to ensure overseas workers are protected from exploitation. The program is used to meet genuine skills shortage, and not to undercut local labour wages and conditions.

74. The TSS visa enables employers to meet their workforce needs by bringing skilled workers from overseas where they cannot recruit an appropriately skilled Australian worker.

- TSS visa holders can work in Australia in their nominated occupation for their approved sponsor under either the short term, medium term or Labour Agreement stream of the program.
- Relevant occupations are identified on the Short-term Skilled Occupation List, the Medium and Long-term Strategic Skills List or the Regional Occupation List. The National Skills Commission is responsible for reviewing the lists of occupations eligible for skilled migration to ensure that they remain responsive to Australia's skill needs. This includes labour market analysis and a public consultation process.

75. All businesses nominating overseas workers for temporary or permanent sponsored visas are required to pay a Skilling Australia Fund (SAF) levy. The SAF prioritises apprenticeships and traineeships in occupations that are in high demand, rely on skilled migration, or have future

growth potential, including in rural and regional Australia. The Department of Education, Skills and Employment manages a national partnership that provides SAF funding to the states and territories.

76. While TSS visa holders help fill critical workforce shortages, ABS Labour Force Survey data indicates that, on average across all industries and occupations, the number of primary TSS (and former subclass 457) visa holders in Australia represents less than one per cent of employed persons<sup>14</sup>. The 15 most frequently nominated occupations in 2020-21 (to 31 March 2021) are listed in Table 6.

**Table 6:** Temporary Skill Shortage visa, most frequently nominated occupations, 2019-20 to 2020-21

#	Nominated Occupation	2019-20 to 31 Mar 2020	2020-21 to 31 Mar 2021	% change from 2019-20	2020-21 as % of Total
1	261313 Software Engineer	1,460	1,130	-22.6%	6.6%
2	253112 Resident Medical Officer	1,160	1,120	-4.3%	6.5%
3	261312 Developer Programmer	840	720	-14.3%	4.2%
4	351311 Chef	720	550	-23.6%	3.2%
5	261111 ICT Business Analyst	1,270	450	-64.6%	2.6%
6	351411 Cook	680	430	-36.8%	2.5%
7	225113 Marketing Specialist	610	400	-34.4%	2.3%
8	253111 General Practitioner	370	300	-18.9%	1.7%
9	131112 Sales and Marketing Manager	430	300	-30.2%	1.7%
10	224711 Management Consultant	820	290	-64.6%	1.7%
11	221111 Accountant (General)	450	280	-37.8%	1.6%
12	263213 ICT Systems Test Engineer	320	270	-15.6%	1.6%
13	111211 Corporate General Manager	370	270	-27.0%	1.6%
14	141111 Café or Restaurant Manager	510	260	-49.0%	1.5%
15	312512 Mechanical Engineering Technician	370	240	-35.1%	1.4%
16	Other occupations	17,070	10,220	-40.1%	59.3%
<b>Grand Total</b>		<b>27,430</b>	<b>17,230</b>	<b>-41.8%</b>	<b>100.0%</b>

Source: **Department of Home Affairs, 2021**

77. Demand for the TSS visa has fallen considerably as a result of the COVID-19 pandemic.
- As at 31 March 2021, the number of TSS visa holders in Australia declined by approximately 25 per cent compared to the same period in 2019-20 (see Table 3).
  - Primary visa applications have declined by 34 per cent in 2020-21 (as at 31 March 2021) compared to the same period in 2019-20 (see Table 7).

<sup>14</sup> Australian Bureau of Statistics (2021) 6202.0 – *Labour Force, Australia*, February 2020, [online document], Australian Government, accessed March 2021.

**Table 7:** Change in the number of Temporary Resident (skilled) primary visas lodged, 2019-20 to 2020-21

Visa Category	2019-20 to 31/03/2020	2020-21 to 31/03/2021	Difference	% Change
Temporary Resident (Skilled Employment)	30,159	20,054	-10,105	-33.5%

Source: Department of Home Affairs, 2021, BP0003

## Seasonal Worker Program and Pacific Labour Scheme

78. Australia operates two temporary labour mobility programs for workers from nine Pacific countries and Timor-Leste as part of Australia's ongoing commitment to promoting economic resilience and improving livelihoods in the region:
- the Seasonal Worker Program (SWP), which provides access to short-term, seasonal work opportunities in the Australian agricultural sector, and in selected locations in the accommodation sector
  - the Pacific Labour Scheme (PLS), which provides access to longer-term low and semi-skilled work placements in rural and regional Australia for up to three years
79. These programs are managed by the Department of Education, Skills and Employment (SWP) and the Department of Foreign Affairs and Trade (PLS). The Department's role in relation to these programs is to assess and facilitate entry for eligible Pacific Islander workers through the International Relations visa.
80. In August 2020, the SWP and PLS were restarted to help fill labour shortages in key agricultural sectors.
- From the restart to 31 March 2021, 3797 workers from Vanuatu, Tonga, Fiji, the Solomon Islands, Papua New Guinea and Timor Leste travelled to the Northern Territory, Queensland, New South Wales, South Australia, Tasmania and Western Australia to take part in the programs.
81. Resumption of the SWP and PLS was part of a broader package of measures to support the agricultural sector, outlined at paragraph 23.

## Special measures for Hong Kong passport holders

82. On 9 July 2020, the Government announced new extended visa options for students, temporary graduates and skilled workers from Hong Kong. The new visa arrangements provide opportunities for Hong Kong passport holders to live, work and study in Australia, with pathways to permanent residency.
83. On 21 August 2020, regulations came into effect which automatically extended temporary graduate or temporary skilled visas held by Hong Kong passport holders on 9 July 2020 for five years. The regulations also provide that future grants of these visas to Hong Kong passport holders will have a validity of five years.
84. The permanent residency pathway is currently being developed so it is available when eligible people reach the end of the five-year extended visa validity period. This pathway will be available to Hong Kong passport holders after five years on temporary skilled or temporary graduate visas, or three years for those who choose to live, work and study in a regional area.

**Table 8:** Hong Kong passport holders who have had their visa extended under these arrangements

Subclass	Primary visa holders	Secondary visa holders	Total
Temp Work (Skilled) sc457	234	155	389
Temp Skill Shortage sc482	253	227	480
Temp Graduate sc485	1,532	183	1,715
<b>Total</b>	<b>2,019</b>	<b>565</b>	<b>2,584</b>

Source: Department of Home Affairs, 2021

**Table 9:** Hong Kong Nationals visa activity since the announcement (9 July 2020) to 31 March 2021

Activity	Lodgements	Change from	Grants	Change from
	2020-21 to 31/03/2021	2019-20 to 31/03/2020	2020-21 to 31/03/2021	2019-20 to 31/03/2020
Temp Skill Shortage sc482	224	-13.8% (-36)	219	+22.3% (+40)
Temp Graduate sc485	1,296	+63.0% (+501)	499	+54.0% (+175)

Source: Department of Home Affairs, 2021

Note: Number in brackets is the difference in lodgements or grants from the corresponding period in 2019

85. Like all foreign nationals, Hong Kong passport holders who believe they are at risk of persecution can apply for a humanitarian visa through the Refugee and Humanitarian program.
86. Between 1 July 2020 and 31 March 2021, 138 Hong Kong passport holders applied for a Protection visa in Australia.

## Special measures for Myanmar citizens

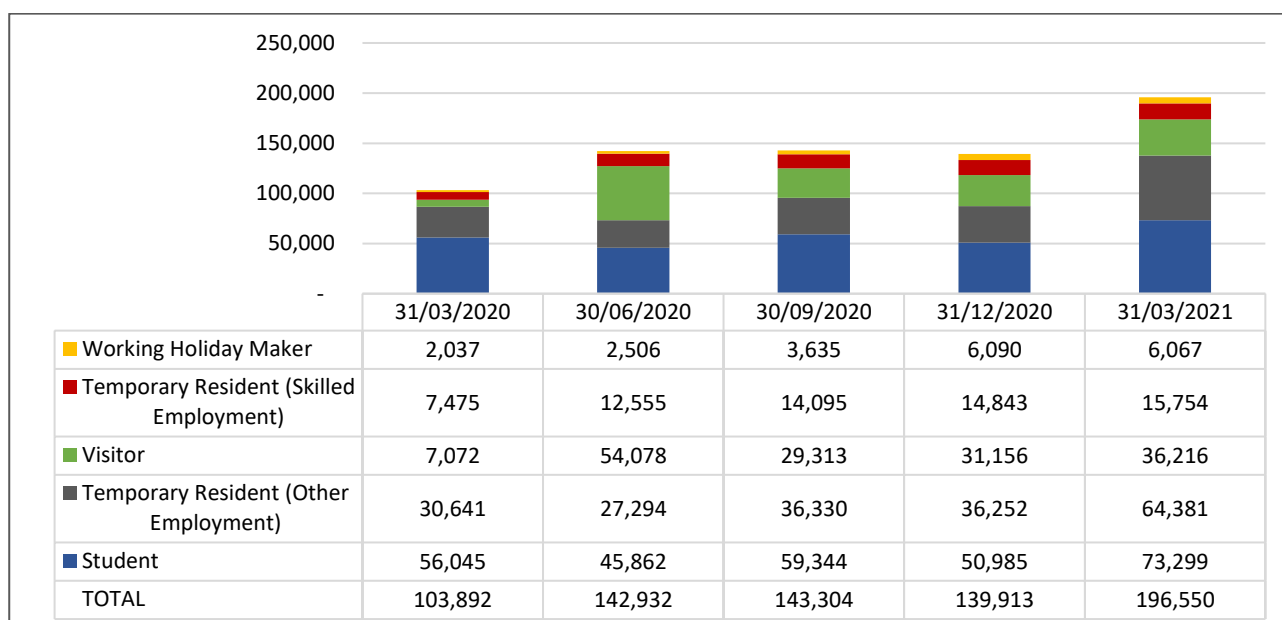
87. The Government is supporting Myanmar citizens currently in Australia on a temporary visa who wish to extend their stay. There are a range of visa options, both permanent and temporary, that Myanmar citizens may consider. The Department has commenced writing to Myanmar citizens on a temporary visa in Australia, inviting them to submit a new visa application if their visa expires shortly. Individuals applying for further visas will need to fulfil all relevant visa criteria including health, character and security requirements.
88. Myanmar citizens who believe they are at risk of persecution can apply for a visa through the Refugee and Humanitarian program. Since the Myanmar coup, there has been an overall increase in Protection visa applications lodged by Myanmar citizens. For the period 1 February 2021 to 31 March 2021, there were 58 Protection visa applications lodged, compared to 12 applications lodged for the preceding two months of December 2020 to January 2021.
89. In addition to Onshore Protection, Australia has for many years provided an allocation of places for Myanmar citizens in the Offshore Humanitarian Program. More than 18,000 Myanmar citizens have been resettled in Australia over the past 10 years. Between 1 July 2020 and 31 March 2021, more than 430 humanitarian visas were granted to Myanmar citizens.

## Bridging visas

90. Bridging visas are an important tool established under the Migration Act 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 while they seek to temporarily travel overseas during the visa application process
- appealing a decision to refuse their visa application through merits or judicial review
- recovering from a human trafficking or slavery-related offence and (if they choose to) assisting an Australian Federal Police (AFP) investigation
- making arrangements to leave Australia.

**Figure 9:** Bridging visa A, B and C holders in Australia by selected *temporary* visa category applied for, 31 March 2020 to 31 March 2021<sup>1</sup>



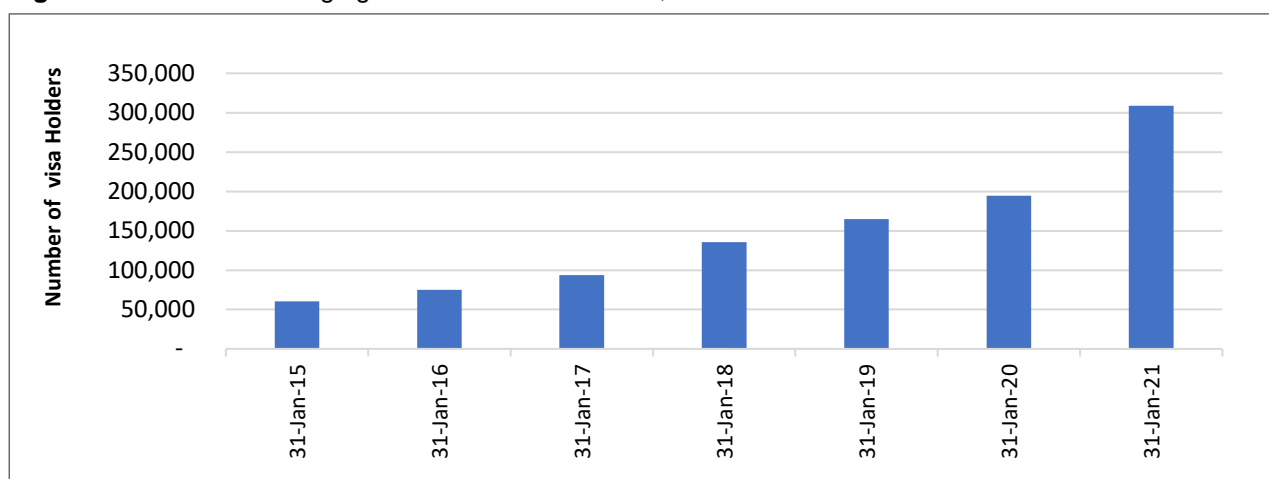
Source: **Department of Home Affairs, 2021**

<sup>1</sup> Excludes Bridging Visa E (subclass 050 and 051) holders

91. Where a person cannot be granted a bridging visa through normal visa application processes, they may seek Ministerial Intervention.
92. The number of bridging visa holders (excluding Bridging E visas (subclasses 050 and 051)) increased by almost 40 per cent between 31 March 2020 and 31 March 2021 as people unable to depart during COVID-19 applied for new substantive visas to remain in Australia. On 31 March 2021, there were 359,981 bridging visa holders (excluding Bridging E visa holders) in Australia (see Figure 10). Information on Bridging E visas is at page 56.



**Figure 10:** Number of bridging visa holders in Australia, 31 March 2015 to 31 March 2021<sup>1</sup>



Source: **Department of Home Affairs, 2021**

<sup>1</sup> Excludes Bridging Visa E (subclass 050 and 051) holders, includes applicants for permanent and temporary visas

93. In general, as the total number of temporary visa holders increases, more substantive visa applications are received from individuals seeking to stay longer in Australia who are granted a bridging visa while they await a decision. Of the bridging visa holders in Australia on 31 March 2021 (excluding Bridging Visa E holders), 27 per cent had applied for permanent migration, 18 per cent had applied for a protection visa, 55 per cent had applied for a temporary visa, and fewer than one per cent had been granted a bridging visa for other reasons.

- Visitor and student visa finalisation rates have been affected by a high proportion of cases requiring further information, health or police checking requirements, and ongoing service disruptions, leading to some applicants spending a longer time on the associated bridging visa.

### **Applications for merits review**

94. Non-citizens who apply for merits review of a decision by the Department to refuse or cancel a visa may be granted a bridging visa to remain in Australia during that process. Most applications for merits review are dealt with in the Migration and Refugee Division (MRD) of the Administrative Appeals Tribunal (AAT). The AAT's caseload has grown significantly in recent years, particularly applications for review of migration and refugee visa-related decisions. More than 36,000 applications were lodged in the MRD in 2017-18 and again in 2018-19, double the number of lodgements in 2015-16. At 31 March 2020, 66,687 cases were awaiting review by the MRD. This had decreased to 58,021 active cases on hand at 31 March 2021.

## **Relationship between permanent and temporary migration**

95. While Australia's migration system does not offer automatic progression from temporary to permanent visas, increasing numbers of permanent migrants use temporary visa programs as a pathway to gaining permanent residence.

96. Temporary migrants are a major source of permanent Skill stream visa applications, with a number of visas providing a pathway from temporary to permanent residence for those who have demonstrated their ability to contribute to the Australian economy.

- In 2019-20, approximately 73 per cent of permanent primary visa applications were lodged in Australia (see Table 10).
- In 2019-20, 76 per cent of primary visa applicants within the Skill stream of the Migration Program were already in Australia at the time of application (see Table 10).

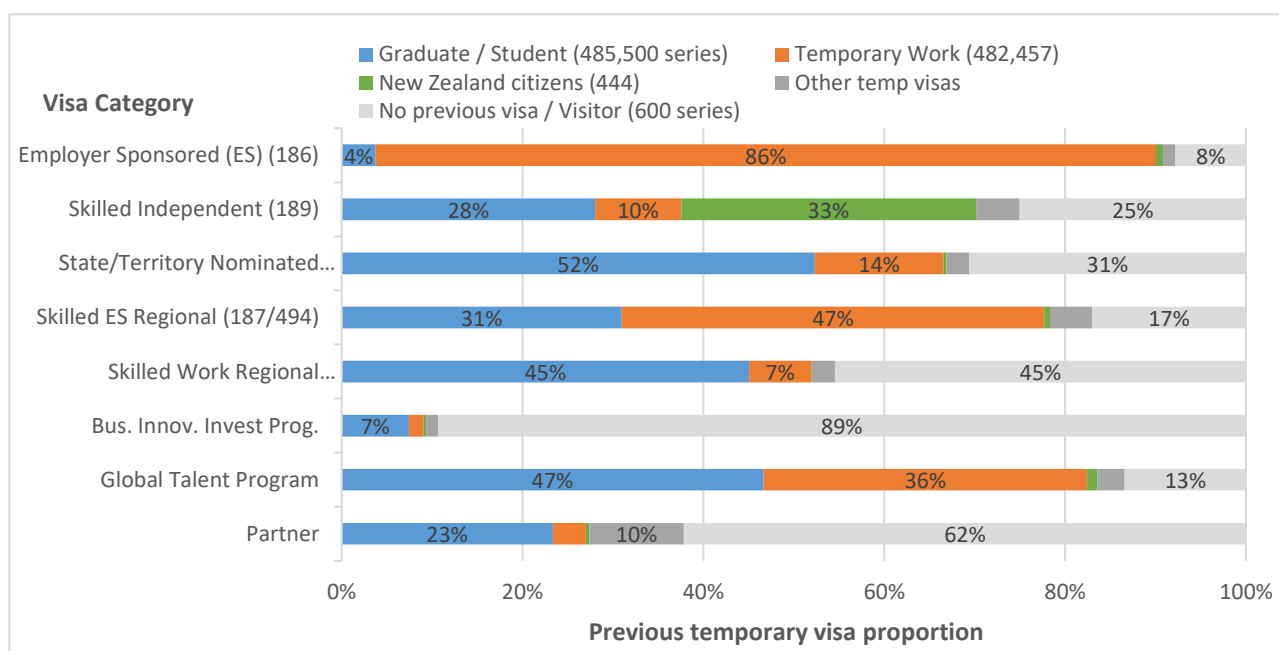
**Table 10:** Number of permanent primary visa applications lodged by client location, 2019-20

Visa Category	In Australia	%	Outside Australia	%	Total
Child	1,669	49.1%	1,732	50.9%	3,401
Family	67,698	66.3%	34,351	33.7%	102,049
Other Permanent	15	26.8%	41	73.2%	56
Resident Return/ADV	111,546	77.4%	32,515	22.6%	144,061
Skilled	39,084	76.2%	12,239	23.8%	51,323
Special Eligibility	55	91.7%	5	8.3%	60
<b>Grand Total</b>	<b>220,067</b>	<b>73.1%</b>	<b>80,883</b>	<b>26.9%</b>	<b>300,950</b>

Source: Department of Home Affairs, 2021

97. Within the Skill Stream, the Employer Sponsored and Skilled Employer Sponsored Regional categories were most reliant on applications by Temporary Work visa holders (86 per cent and 47 per cent of grants respectively), while Graduate and Student visa holders comprised a significant proportion of grants for State/Territory Nominated and Skilled Work Regional (52 per cent and 45 per cent respectively) (see Figure 11 below).

**Figure 11:** Proportion of permanent visas granted where a temporary visa was previously held, 2019-20

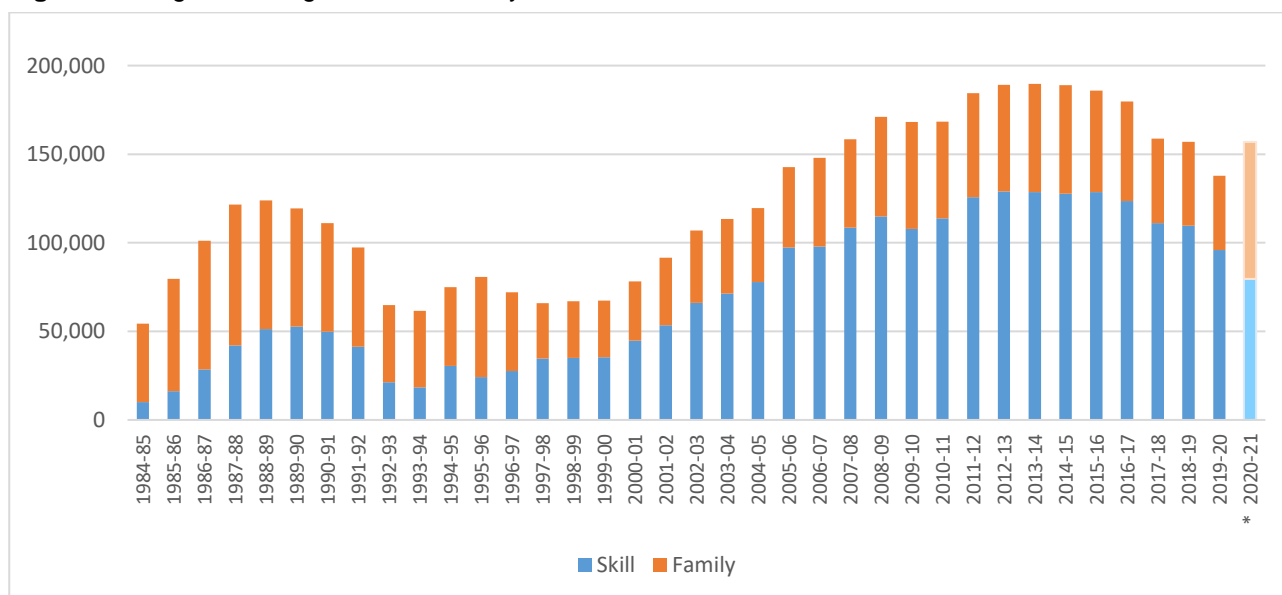


Source: Department of Home Affairs, 2021

# Migration Program

98. The permanent Migration Program has been designed to meet Australia's economic, demographic and labour market needs, with a strong focus on skilled migration, and to support social cohesion, particularly through family reunion. The permanent Migration Program is comprised of three key streams: the Skill program, Family program and the (much smaller) Special Eligibility program. The Government decides the number of places available in these programs, setting planning levels as part of the annual Budget process. Planning levels are treated as a 'ceiling' rather than a target, ensuring that standards are not lowered to fill places. In most recent programs, at least two thirds of places have been allocated for the Skill program (see Figure 12 below). The Department aligns allocation of its decision making capacity with the Government's priorities as expressed in these planning levels.
99. Delivery of the 2019–20 permanent Migration Program was affected by the pandemic. Some essential support services provided by SDPs were unavailable, including health assessments, English language testing, and biometric screening. Delays were also encountered in applicants receiving police clearances from other jurisdictions. A total of 140,366 places were filled against a planning ceiling of 160,000.

**Figure 12:** Migration Program outcomes by stream, 1984-85 to 2020-21<sup>1</sup>



Source: Department of Home Affairs, 2021

<sup>1</sup> 2020-2021 Migration Program planning level

100. A carefully managed Migration Program will help Australia's economy recover from the impacts of COVID-19. The 2020-21 Migration Program is designed to respond and adapt to evolving economic, border and public health challenges in an uncertain environment. The Migration Program ceiling for 2020-21 has been retained at 160,000 places. Planning levels across visa categories are outlined in Table 11.

**Table 11:** Migration Program planning levels and program outcomes, 2019-20 to 2020-21

Category	2019–20 Planning Levels	2019–20 Program Outcomes	2020–21 Planning Levels	2020-21 Delivery ( at 31 March 2021)
Employer Sponsored <i>Employer Nomination Scheme</i> <i>Regional Sponsored Migration Scheme (replaced)</i>	30,000	29,261	22,000	14,647
Skilled Independent	18,652	12,986	6,500	4,044
State/Territory & Regional Category <sup>1</sup>	47,968	44,867	22,400	17,057
<i>State/Territory Nominated</i>	24,968	21,495	11,200	7,550
<i>Skilled Regional</i>	23,000	23,372	11,200	9,507
Business Innovation and Investment Program	6,862	4,420	13,500	7,133
Global Talent Program <sup>2</sup>	5,000	4,109	15,000	6,886
Distinguished Talent	200	200	200	168
<b>Skill Total</b>	<b>108,682</b>	<b>95,843</b>	<b>79,600</b>	<b>49,935</b>
Partner	39,799	37,118	72,300	39,794
Parent	7,371	4,399	4,500	4,072
Other Family	562	444	500	311
<b>Family total</b>	<b>47,732</b>	<b>41,961</b>	<b>77,300</b>	<b>44,177</b>
Special Eligibility	236	81	100	49
<b>Total Migration Program</b>	<b>156,650</b>	<b>137,885</b>	<b>157,000</b>	<b>94,161</b>
Child ( <i>outside the Migration Program ceiling</i> )	3,350	2,481	3000	2,080
<b>Total permanent migration places</b>	<b>160,000</b>	<b>140,366</b>	<b>160,000</b>	<b>96,241</b>

Source: **Department of Home Affairs, 2021**

Notes:

<sup>1</sup> From 2019-20 regional category consists of the new skilled regional visas (Skilled Employer Sponsored Regional (Provisional) (subclass 494) visa and Skilled Work Regional (Provisional) (subclass 491) visa) and the previous regional visas (Regional Sponsored Migration Scheme (subclass 187) visa and Skilled – Regional (Provisional) (subclass 489) visa). Visa applications for the subclass 187 and subclass 489 visas that were lodged prior to 16 November 2019 will continue to be processed and resulting visa grants will be counted towards places in the Regional category

<sup>2</sup> Global Talent (Independent) category commenced in the 2019–20 program year.

101. A planning ceiling of 160,000 is intended to maximise flexibility, allowing the program to adjust and respond as required to the unpredictable trajectory of COVID-19 and uncertain economic conditions.
102. As a temporary measure, the Government increased the number of places available to the Family visa categories to 77,300 (with 72,300 places for the Partner category). The allocation for the Skill stream is 79,600 places, with priority given to visa cohorts that drive economic growth and investment into Australia and provide critical skills to support recovery, including the Business Innovation and Investment, Global Talent and Employer Sponsored Programs.
103. One hundred places have been provided for the Special Eligibility stream and 3000 places for Child visas, managed outside the program ceiling.
104. As at 31 March 2021, 96,241 of the 160,000 available places had been filled. The COVID-19 period has presented unprecedented challenges in finalising visa applications, however the Department has taken steps to including allocating additional resources to partner processing and priority skill programs, writing to clients to ask them to take the final steps to finalise their applications and the expansion of onshore health appointment services for clients.

## Skilled Migration Program

105. The Skill stream of the Migration Program is designed to meet Australia's economic, demographic and labour market needs. It provides for the entry of migrants with higher than average labour force participation and productivity and specialist skills in demand in the labour market. Skilled migrants generate benefits for the economy by bringing to Australia new knowledge and skills, helping businesses take up new technology, and providing further connections to global markets. Specific skilled visas for regional Australia help to meet workforce shortages in designated regions.

- Modelling by the Productivity Commission<sup>15</sup> has found that increasing the share of migrants with higher skilled occupations increased Australia's real GDP per person.
- The December 2020 Population Statement from Treasury's Centre for Population notes that the emphasis on skilled migration leads to the selection of migrants who are younger than the Australian average, and of an age more likely to have children. As the Intergenerational Report<sup>16</sup> has found, this helps to reduce the fiscal effects of the otherwise increasing average age of Australia's population.
- Skilled migrants contribute more to Government revenue through taxation than they receive through government services and benefits.

106. The skilled migration visa settings are designed to safeguard the jobs of Australian workers. Policy settings aim to ensure skilled migration complements, not replaces, domestic employment and training initiatives to meet skill needs. While employer-sponsored visas are designed for skilled migrants to fill specific vacancies where no suitable Australian workers are available, non-employer-sponsored skilled visas select migrants based on their human capital attributes and ability to contribute to the Australian economy and labour market in the longer term. Many of them, including entrepreneur, investor and business migrants, are expected to be 'job multipliers' by creating quality jobs for Australians.

107. The skilled stream includes the following visa categories:

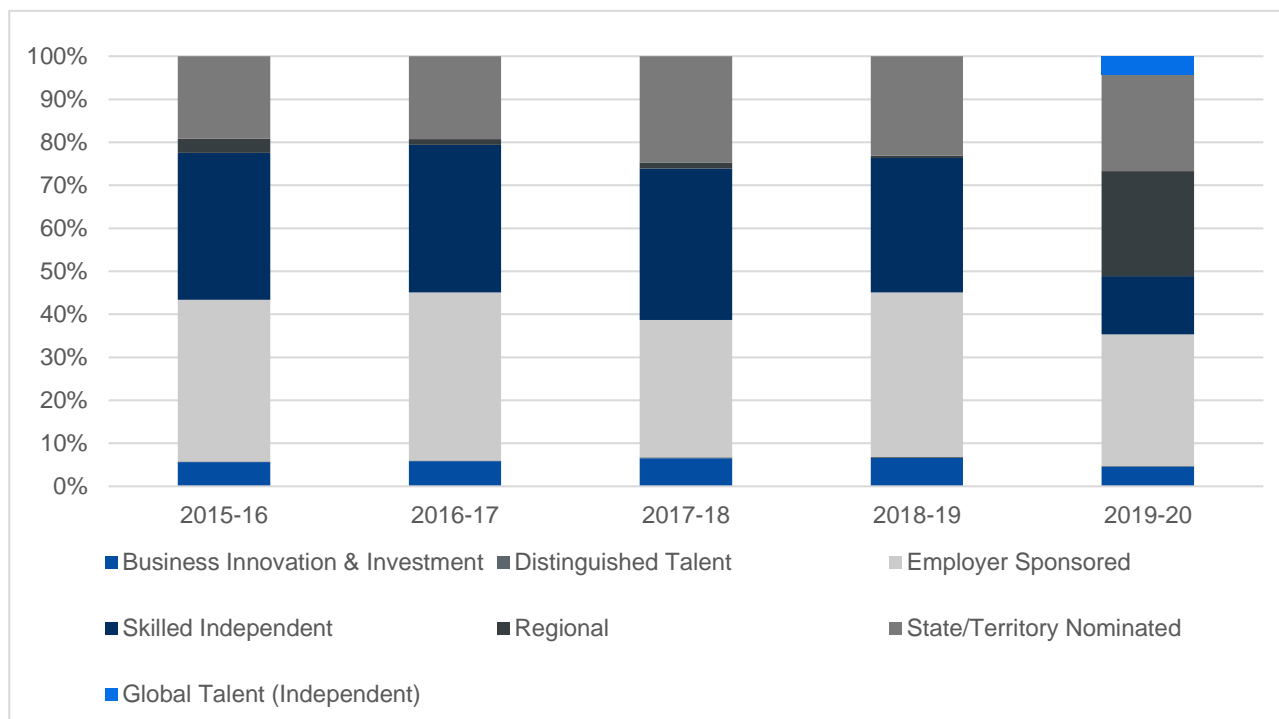
- General skilled migration, for skilled workers who do not have an employer sponsoring them, but possess desirable skills and attributes and are able to pass the points test. This category includes the skilled independent and state and territory nominated visas
- Employer sponsored migration, for applicants who are sponsored by an employer. This category includes regional employer sponsored visas
- Business skills migration, which encourages successful business people to settle in Australia and develop new business opportunities
- Global and Distinguished Talent, for individuals who are internationally recognised as outstanding in their field.

Skilled migration program outcomes by category for the previous five years are outlined in Figure 13.

<sup>15</sup> Productivity Commission (2016), *Migrant Intake into Australia, Inquiry Report No. 77* – "The economy wide impacts of migration – general equilibrium modelling", Technical Supplement B, [online document], Australian Government, accessed 16 March 2021

<sup>16</sup> The Treasury (2015), *2015 Intergenerational Report* [online report], Australian Government, accessed 16 March 2021

**Figure 13: Composition of the Skilled Migration Program, 2015-16 to 2019-20**



Source: Department of Home Affairs, 2021

108. The 2020-21 Migration Program Skill stream has been set at 79,600 places. Priority will be given to visa cohorts with medical and other skills to support the pandemic response and migrants who will drive economic growth and investment, and provide critical skills to support recovery from the economic effects of the pandemic. The three priority categories within the Skill stream in 2020-21 are the:

- Business Innovation and Investment Program (13,500 places)
- Global Talent Program (15,000 places)
- Employer Sponsored Program (22,000 places).

109. Applicants in Australia are being prioritised over applicants outside Australia to assist in stabilising NOM.

### Business Innovation and Investment Program

110. The Business Innovation and Investment Program (BIIP) targets migrants who have a demonstrated history of success or talent in innovation, investment and business and are able to make a significant contribution to the national innovation system and the economy more broadly.

111. Migrants under the BIIP are required to make certain investments while on a provisional visa before being eligible to transition to a permanent visa.

112. Places for BIIP visas have been doubled to 13,500 in 2020-21, reflecting the importance of the program in driving investment into the Australian economy and creating jobs for Australians in the context of the economic recovery from the pandemic.

113. The BIIP is attractive to business and investor migrants internationally and demand for visas has exceeded the number of places available. As at 31 March 2021, there were 27,265 first stage (excluding extensions) applications on hand.



## Global Talent

114. The Global Talent Independent (GTI) program commenced in July 2019 to attract talented migrants of the highest calibre, with entrepreneurial ideas and cutting-edge skills within target industry sectors, who can relocate to Australia and contribute to the economy by driving innovation and supporting the creation of local jobs.
115. The GTI includes a fast tracked process to permanent residence for highly skilled migrants in target industries, currently including: Resources; Agri-food and AgTech; Energy; Health industries; Defence, advanced manufacturing and space; Circular economy; Digitech; Infrastructure and tourism; Financial Services and FinTech; and Education. Applicants need to demonstrate that they have a record of exceptional and outstanding achievement in their field, and that they earn, or have the potential to earn, a salary at or above the Fair Work High Income Threshold (currently \$153,600 and adjusted annually on 1 July).
116. Departmental Global Talent officers in Australia and key overseas locations work with top universities, professional associations and businesses to identify and market the GTI program to exceptional candidates in key target sectors.
117. To further Australia's quest to attract global talent, the Government established the Global Business and Talent Attraction Taskforce. Supporting the Government's *JobMaker* blueprint for national prosperity and post-COVID economic recovery, the Taskforce is intended to target and attract exceptionally talented individuals and international business entities with the potential to make large-scale positive impacts on the national economy and to create quality Australian jobs.
118. The Taskforce is led by the Prime Minister's Special Envoy for Global Business and Talent Attraction, Mr Peter Verwer AO, and hosted by the Department, partnering with Austrade, drawing on expertise from across the Commonwealth and State and Territory Governments, and leveraging the experience of the private sector.
119. The primary pathway used for the GTI program is the Global Talent (subclass 858) visa, which involves a two-stage process with candidates assessed at both Expression of Interest (EOI) and visa application stages.
120. EOIs are subject to rigorous assessment, including integrity checks to verify supporting information and documentation. Since 1 July 2019, 59 per cent of EOIs assessed resulted in an invitation to apply for a visa (see Table 12).
121. All applicants invited to apply for a visa through the GTI program must then meet the legislative requirements for the visa. Each visa application is considered on its individual merits and is subject to the usual health, character, integrity and national security checks. The Department regularly reviews program risk settings, with regard to information such as fraud and non-compliance trends.
122. Global Talent visa applicants who are invited to apply through the GTI program are able to obtain permanent residence through a streamlined visa pathway. As at 31 March 2021, the processing time was 94 days (75<sup>th</sup> percentile) (see Table 13).

**Table 12:** Global Talent Independent Program, Expression of Interest (EOI) assessment outcomes as at 31 March 2021

Program Year	Invited	%	Not Invited	%	Grand Total
2019-2020	3,219	58.4%	2,291	41.6%	5,510
2020-2021	1,848	60.2%	1,223	39.8%	3,071
<b>Grand Total</b>	<b>5,067</b>	<b>59.0%</b>	<b>3,514</b>	<b>41.0%</b>	<b>8,581</b>

Source: Department of Home Affairs, 2021

**Table 13:** Global Talent Independent Program, average visa processing time for applications finalised between 1 July 2020 and 31 March 2021

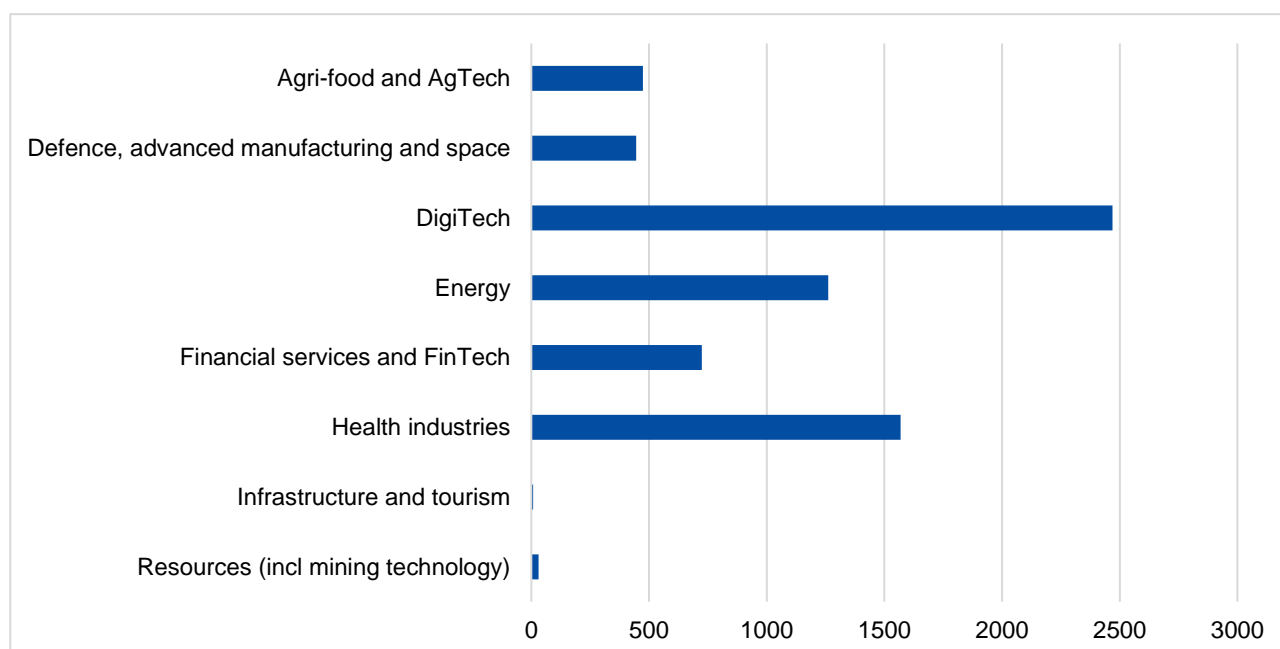
Stream	75th Percentile	90th Percentile
<b>Global Talent Pathway</b>	94 days	174 days

Source: Department of Home Affairs, 2021

123. In 2020-21, 15,000 places have been allocated for the Global Talent program within the Migration Program, three times more than in 2019-20. As at 31 March 2021, 6503 applications had been lodged and 6985 individuals granted visas under the 2020-21 GTI. During this period, there was a 38.7 per cent refusal rate of EOI applications.

124. As at 31 March 2021, the majority of visas granted under GTI program were in the DigiTech sector, followed by the Health sector industries (see Figure 14).

**Figure 14:** Global Talent Independent Program, grants by sector as at 31 March 2021



*Note: this graph reflects the Global Talent Independent Program priority growth sectors in place up 17 December 2020. From February 2021, the priority growth sectors will include: Resources; Agri-food and AgTech; Energy; Health industries; Defence, advanced manufacturing and space; Circular economy; DigiTech; Infrastructure and tourism; Financial Services and FinTech; and Education*

## Employer Sponsorship

125. The Employer Sponsored program drives high workforce participation and provides businesses with access to critical skills where no skilled Australian worker is available. In 2020-21, 22,000 places are available under the Employer sponsored program.
126. In September 2020, a PMSOL was introduced as a temporary measure. It includes occupations that are considered to be critical for the recovery of the Australian economy from the impacts of COVID-19, based on expert labour market advice from the National Skills Commission. The PMSOL initially comprised 17 occupations and was updated in November 2020 to include an additional occupation. The PMSOL will be reviewed on a regular basis and adjusted as Australia recovers from the pandemic.
127. Permanent and temporary employer sponsored visa applications (Temporary Skill Shortage (TSS) (subclass 482); Skilled Employer Sponsored Regional (Provisional) (subclass 494); Employer Nomination Scheme (ENS (subclass 186); and Regional Sponsored Migration Scheme (SMS) (subclass 187)) involving PMSOL occupations receive priority processing and may be considered for exemption from travel restrictions. The PMSOL does not apply to other visa types, nor does it replace the existing skilled migration occupation lists; these remain active, although as the processing of these applications is at a lower priority processing times will be longer for these applications than for prioritised applications. Applications in PMSOL occupations are generally processed in three to six months, although actual processing times for individual applications will depend on completeness of the application and meeting the relevant visa requirements.

## Regional Migration

128. Immigration to regional Australia assists in meeting local workforce and demographic needs. Temporary, provisional and permanent regional skilled visa options are available. The Department has appointed regional outreach officers to support regional engagement and to help regional businesses to understand what visas are available when they cannot find Australian employees.
129. On 20 March 2019, the Government announced a *Plan for Australia's Future Population* and changes to the migration system to increase the number of migrants who choose to live, work and settle in regional Australia. In November 2019 a range of measures were introduced by the Australian Government to help manage population growth in Australia's largest cities and to support the growth of regional economies through migration.
130. The new initiatives included:
- a dedicated number of places on the Migration Program for regional skilled migrants
  - two new skilled regional provisional visas requiring migrants to live and work in regional Australia for three years before accessing permanent residence
    - the Skilled Employer Sponsored Regional (Provisional) visa for people sponsored by an employer in regional Australia
    - the 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.
  - a new definition of regional Australia
  - incentives for International Students in the regions.

131. In 2020-21, 11,200 places have been allocated for the Skilled Regional visa programs.  
In 2020-21 (to 31 March 2021):

- 10,438 skilled regional provisional visa applications were lodged (see Table 14)
- 7695 skilled regional provisional visa applications were finalised (see Table 15).

**Table 14:** Number of visa applications lodged for Skilled Regional (Provisional) visa Programs, 2019-20 to 2020-21 to 31 March 2021.

Visa Subclass	2019-20	2020-21 to 31 Mar 2021
Skilled Work Regional (Provisional) visa (subclass 491)	8,863	9,171
Skilled Employer Sponsored Regional (Provisional) visa (subclass 494)	451	1,267
<b>Grand Total</b>	<b>9,314</b>	<b>10,438</b>

Source: Department of Home Affairs, 2021

**Table 15:** Applications Finalised for Skilled Regional (Provisional) visa Programs, 2019-20 to 2020-21 to 31 March 2021.

Visa Subclass	Outcome	2019-20	2020-21 to 31 Mar 2021
Skilled Work Regional (Provisional) visa (subclass 491)	Granted	2,175	6,515
	Refused and Withdrawn	81	212
<b>Sub Total Subclass 491</b>		<b>2,256</b>	<b>6,727</b>
Skilled Employer Sponsored Regional (Provisional) visa (subclass 494)	Granted	97	927
	Refused and Withdrawn	7	41
<b>Sub Total Subclass 494</b>		<b>104</b>	<b>968</b>
<b>Grand Total</b>		<b>2,360</b>	<b>7,695</b>

Source: Department of Home Affairs, 2021

## Designated Area Migration Agreements

132. Designated Area Migration Agreements (DAMAs) are tailored agreements that enable designated regions to respond to their unique economic circumstances and workforce shortages by accessing overseas workers for skilled or semi-skilled vacancies. Employers are able to sponsor workers, via a Labour Agreement, under temporary, provisional or permanent visas (depending on the circumstances), with a range of concessions not available under the standard visa programs. Some standard requirements, including payment of the SAF levy and demonstration of genuine labour market need, must be met.

133. Currently seven DAMAs are in place, in:

- the Northern Territory
- the Goldfields in Western Australia
- the Great South Coast in Victoria
- Adelaide City
- regional South Australia

- Orana, New South Wales
- Far North Queensland

134. As at 31 March 2021, 287 labour agreement requests had been lodged under DAMAs. The number of places available under existing DAMAs ranges from 100 to 750 per year, although this does not translate to an equal number of visa grants. A total of 177 primary visas had been granted under a DAMA as at 31 March 2021.

135. The number of visa grants under each DAMA reflects individual employer demand in those areas. In some circumstances, there are long lead up times for newly established DAMAs, as this is dependent on the participation of employers.

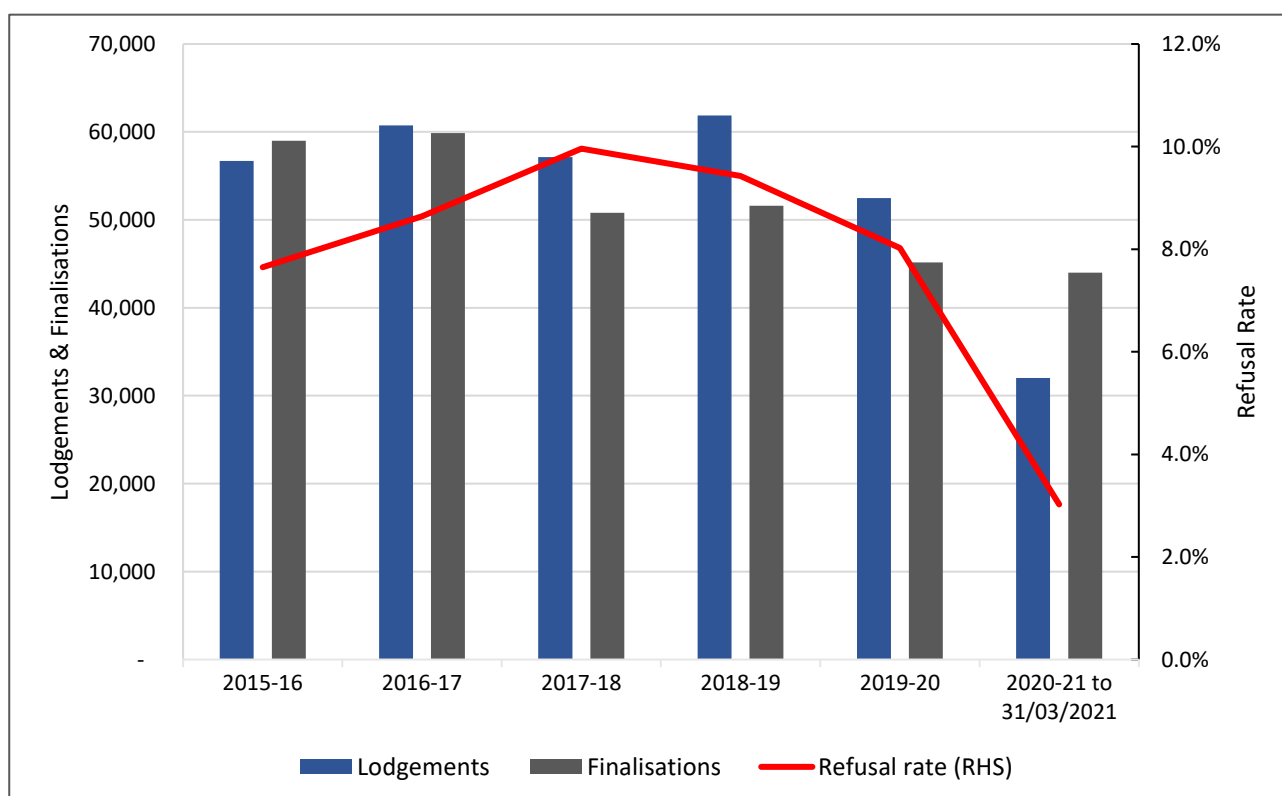
136. The Department's experience is that DAMAs take time to become established within a region as employers become familiar with the agreement and then request a labour agreement.

## Family Program

137. The Family program enables Australian citizens and permanent residents to reunite with close family members. The program normally comprises about one third of the Migration Program, in line with proportions in place since 2017-18. As a temporary measure for the 2020-21 program year, the Government increased the number of places available to Family visa categories to 77,300 places (almost half of the Migration Program).

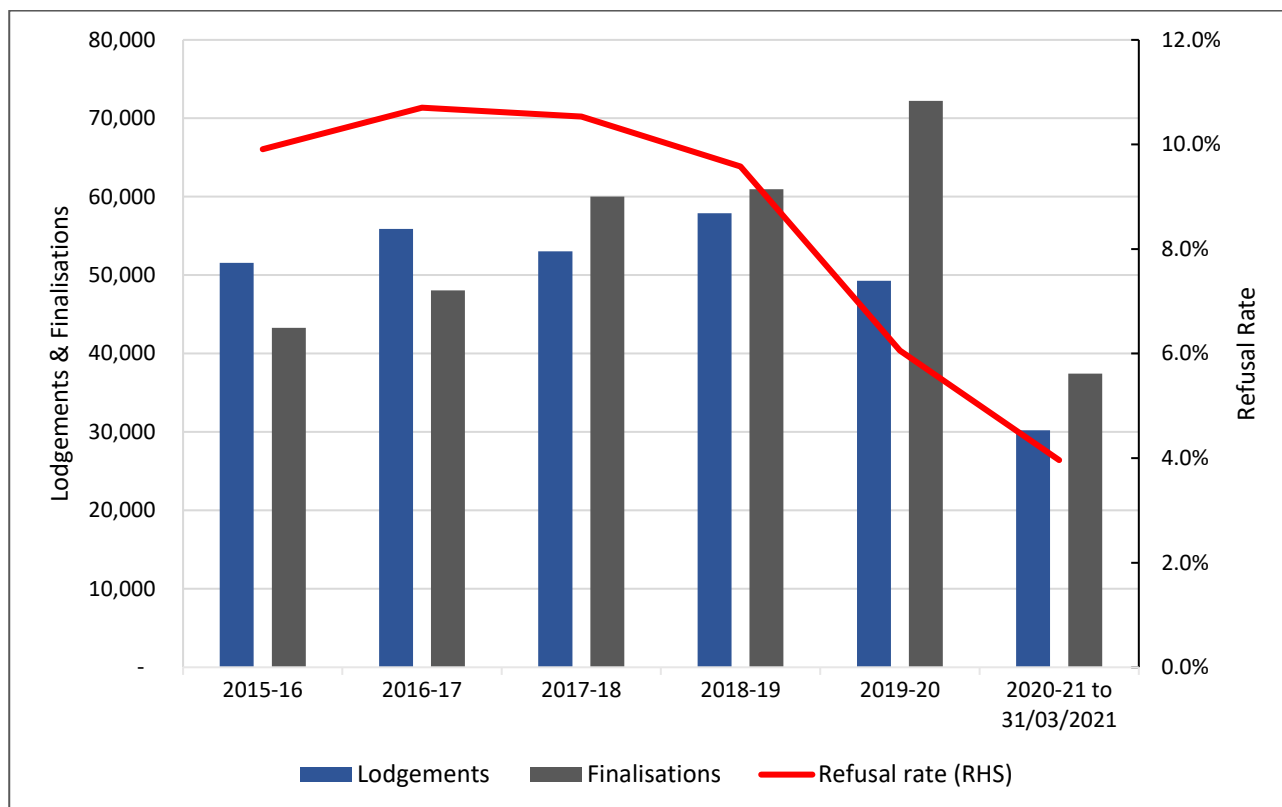
138. The Partner program is by far the largest component of the Family stream, usually making up around 80 per cent of the program, and for program year 2020-21 constituting 94 per cent (72,300 places). Places are also available for permanent Parent visas (4500) and Other Family visas (500). The Child visa program sits outside of the Migration Program and is not subject to the Program ceiling.

**Figure 15:** First Stage Partner visa program trends 2015-16 to 2020-21 (to 31 March 2021)



Source: Department of Home Affairs, 2021

**Figure 16: Second Stage Partner visa program trends 2015-16 to 2020-21 (31 March 2021)**



Source: Department of Home Affairs, 2021

139. The Department processes visas in line with the legal framework under the *Migration Act 1958* (the Migration Act), the Migration Regulations 1994, and the planning levels and priorities set by the Government. When demand is higher than the available places, as has been the case for the both the Partner and Parent visas in recent years, processing times lengthen.
140. Disruptions to the Department's visa processing services as a result of COVID-19 have affected delivery of the Family program. In response to border, movement and service restrictions around the globe, and to foster social cohesion and minimise negative NOM impacts, onshore applications have been prioritised in 2020-21.
141. The expanded Partner planning level for 2020-21 has provided an opportunity to reduce the size of the Partner visa pipeline heading into the 2021-22 program year. However, the overall pipeline is expected to remain relatively high as a proportion of the caseload is complex and high risk. The first stage Partner visa pipeline has reduced from over 96,000 on 30 June 2020 to a little over 85,000 applications as at 31 March 2021, with new lodgements running just below finalisations.
142. In 2020-21, more Partner visas than ever before will be processed, assisting in reducing backlogs and allowing for quicker processing of applications that are decision ready with all requirements met. Partner visa applicants are being encouraged, where possible, to complete requirements, such as health and character in a timely way, so that their applications can be finalised more quickly.
143. For the program year until 31 March 2021, 30.2 per cent of finalisations were cases lodged within the previous 12 months, compared to 26.5 per cent of the caseload at the same point last year.

144. Because older, more complex cases in the pipeline are also being finalised, the overall average processing time has in fact increased by 84 days for the first stage Partner program. For the program year until 31 March 2021, 45.1 per cent of finalisations were cases lodged more than 18 months previously, compared to 36.0 per cent of the caseload at the same point last year.

### **COVID-19 concessions**

145. In October 2020, the Government announced changes to support holders and former holders of Prospective Marriage visas whose travel to Australia has been affected by COVID-19 related travel restrictions.
- On 10 December 2020, visa validity periods for Prospective Marriage visa holders and former holders who were outside of Australia and held a visa at any time between 6 October and 10 December 2020, were extended until 31 March 2022.
  - From 27 February 2021, visa application charge refunds are being provided to certain Prospective Marriage visa holders and former holders, including those whose visas have ceased, who have been unable to enter Australia due to COVID-19 travel restrictions.
  - From 27 February 2021, Prospective Marriage visas can be granted with a visa validity period of between nine and 15 months (instead of the previous nine months).
146. Some categories of visas, including Family visas, require applicants to be outside of Australia at the time the visa is granted. On 30 November 2020, the Government announced changes to allow some Partner and Child visas, which have been applied for outside Australia, to be granted while the visa applicant is in Australia. These changes came into effect on 27 February 2021 for five Partner and Child visa subclasses:
- Child (subclass 101)
  - Adoption (subclass 102)
  - Dependent Child (subclass 445)
  - Prospective Marriage (subclass 300)
  - Partner (subclass 309)
147. In addition to the amendments to Partner and Child visas, on 28 January 2021, the Government announced changes to allow some Parent visas, which have been applied for outside Australia, to be granted while the visa applicant is in Australia. Amendments to temporarily remove the requirement to be in or outside Australia at the time of visa grant for certain Parent visa applicants were implemented on 24 March 2021.

### **Family Violence Provisions**

148. Within the Partner program, the Department manages the Family Violence Provisions that allow Partner visa applicants in Australia to be granted permanent residence if their relationship has broken down and they have suffered domestic or family violence (DFV) perpetrated by the sponsor. In the 2020-21 program year to 31 March 2021, 537 Partner visa applicants sought access to the family violence provisions and 356 permanent Partner visas were granted based on claims of family violence.
149. The Department's Community Liaison Officer Network connects with multicultural communities, DFV service providers and government partners and has continued to provide information sessions throughout the COVID-19 period. In 2020-21, the Department's 'Family violence and your visa' webpage was expanded and a new Frequently Asked Questions document distributed to university, community sector and migration advice industry

stakeholders to ensure awareness of the arrangements in place to support victims of DFV to regularise their visa status.

## **Special Eligibility Program**

150. The Special Eligibility program, which mostly includes cases approved under Ministerial Intervention powers, has a planning level of 100 places in 2020-21.



# Humanitarian Program

151. Australia is consistently ranked among the world's most generous refugee resettlement countries, successfully resettling more than 900,000 refugees and others in humanitarian need since the end of the Second World War. The Humanitarian Program aims to:

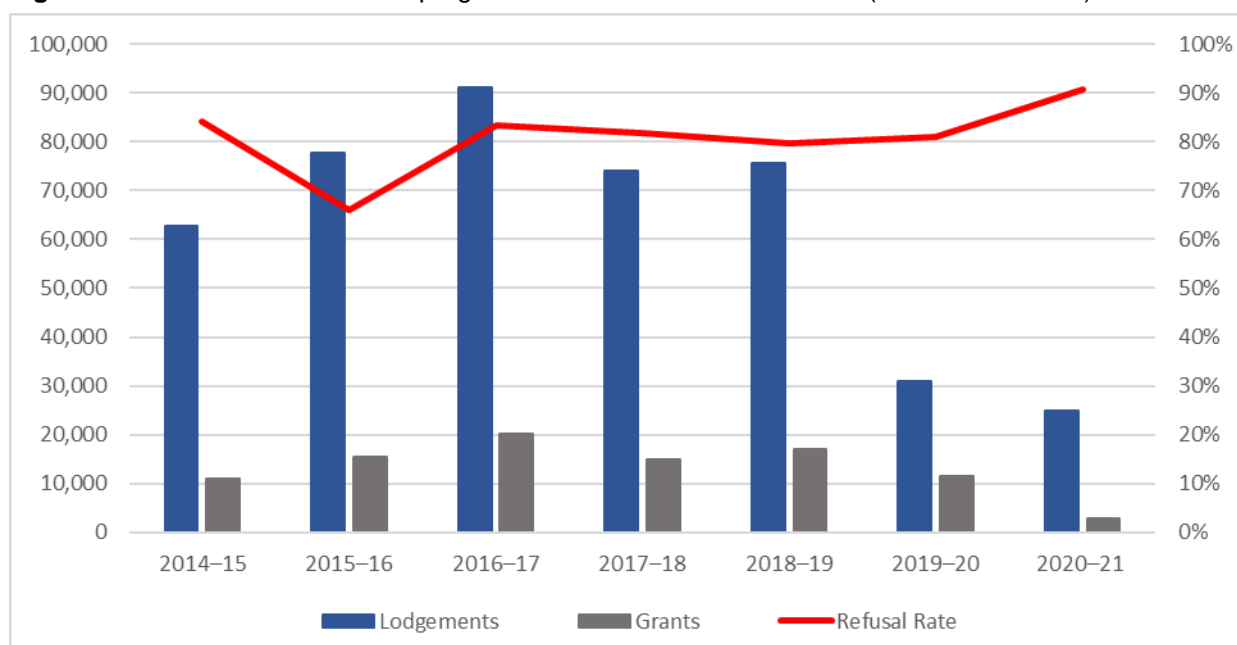
- provide permanent resettlement to those most in need
- reunite refugees, and people in refugee-like situations overseas, with their family in Australia
- use resettlement strategically to help stabilise refugee populations, reduce the prospect of irregular movement from source countries and countries of first asylum, and support broader international protection efforts
- fulfil Australia's international protection obligations.

152. The Humanitarian Program includes an offshore stream for refugees and other displaced people in humanitarian need seeking resettlement in Australia and an onshore protection stream for people who have travelled lawfully to Australia who engage Australia's international protection obligations.

153. In 2020-21, the size of the Humanitarian Program is set at a ceiling of 13,750 places, reduced from a program of 18,750 places in 2019-20. The current size of the program reflects the Government's commitment to ensuring the best possible settlement support for new and recent humanitarian entrants during the COVID-19 economic downturn and the challenges new arrivals may face in obtaining employment.

## Offshore Humanitarian visas

**Figure 17:** Offshore Humanitarian program trends: 2014–15 to 2020–21 (to 31 March 2021)



Source: Department of Home Affairs, 2021

154. In 2019-20, travel restrictions and the temporary suspension of offshore activities by partner organisations affected visa processing and grants. The International Organization for

Migration and the United Nations High Commissioner for Refugees (UNHCR) temporarily suspended resettlement travel for refugees from 16 March to 22 June 2020. Their other general operations and services for refugees were also affected.

- In this context, processing of offshore humanitarian applications was deprioritised from 20 March, however, 23 emergency/urgent cases supported by UNHCR were able to be granted between that date and 30 June 2020 and travel facilitated where possible.
- While 70 per cent of visas allocated in 2019-20 were granted, not all visa holders were able to travel to Australia.

155. In 2020-21, the Department initially focused on finalising urgent and emergency cases. In total, 281 Humanitarian (Class XB) visa holders arrived between 1 July 2020 and 31 March 2021 as emergency arrivals. A broader program of visa grants, in line with Government priorities, recommenced in December 2020.

### **Unaccompanied Humanitarian Minors**

156. The Unaccompanied Humanitarian Minor (UHM) Program provides care and accommodation to eligible non-citizen children who arrive in Australia without a parent. Some unaccompanied minors receiving services under the UHM Program are under the Minister's guardianship under the *Immigration (Guardianship of Children Act) 1946*. Currently, there are 165 minors receiving UHM Program services in Australia, 56 of whom are under the Minister's guardianship.

- There were 76 offshore Humanitarian visa grants to unaccompanied minors in 2018-19, 40 grants in 2019-20 and fewer than 5 grants to 31 March 2021. This decrease has been a direct consequence of processing and travel limitations associated with COVID-19.

### **Onshore Protection**

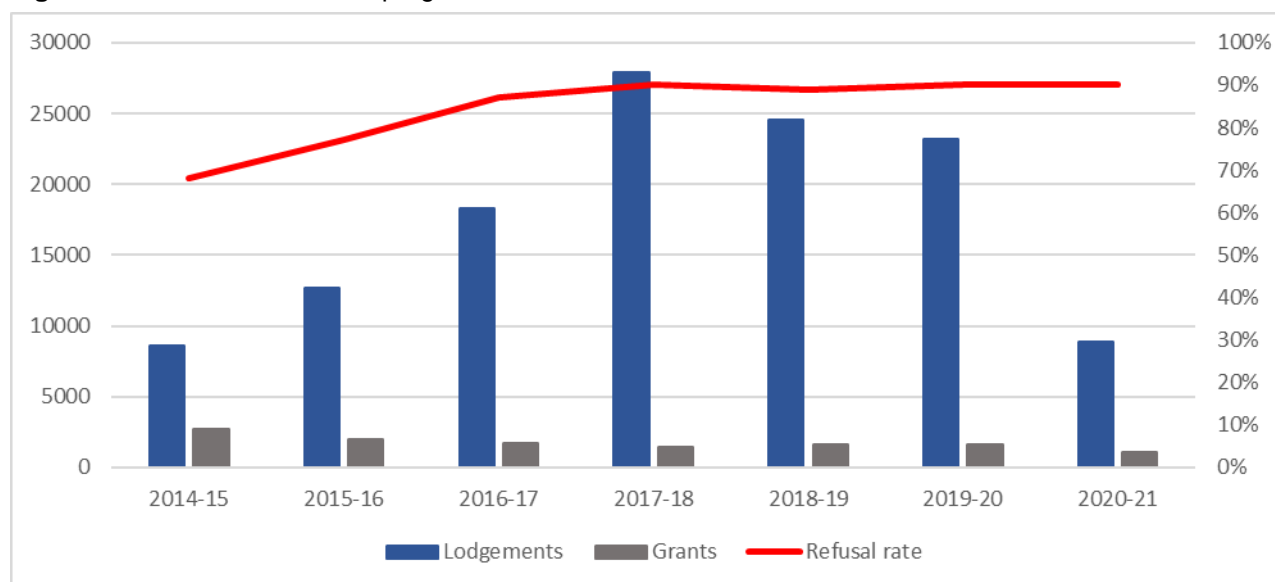
157. There has always been a small proportion of people who arrive on temporary visas and subsequently seek Australia's protection. In line with Australia's commitment to upholding its international protection obligations, those who seek protection undergo a thorough assessment to determine whether they engage these obligations.

- From about 48 million temporary visas granted between 1 July 2014 and 31 March 2021, about 124,000 subsequent Protection visa applications were lodged (representing about 118,000 individual applicants). This equates to only about 0.25 per cent of total temporary visa grants.
- More than 94 per cent of the individuals who applied for protection in the same period have either departed Australia, been granted a visa, or remain lawfully here while they have ongoing matters before the Department or under a merits review or judicial review. Individuals who do not have a valid visa and have no matters ongoing are expected to either voluntarily return home or be removed from Australia by the ABF.

158. Australia's experience, and that of similar countries, is that there are differing motivations for seeking protection within this caseload. While a proportion of applicants claim protection because they genuinely fear they will face serious or significant harm if returned to their home country, many others apply for another purpose, including to prolong their stay to access the Australian labour market or because of the comparatively better life opportunities Australia offers.

159. The Department has consistently refused about 90 per cent of applications for a permanent Protection visa since 2017-18 (see Figure 18). The number of applications lodged has trended downwards since then, reflecting the implementation of strategies to prevent people from exploiting the program to prolong their stay, and has significantly reduced in 2020-21 as a consequence of ongoing travel restrictions.

**Figure 18:** Onshore Protection program trends: 2014–15 to 31 Mar 2021



Source: Department of Home Affairs, 2021

160. The Department uses a holistic approach to detect, disrupt and respond to fraud and other attempts to undermine the integrity of the onshore Protection program. This includes intelligence-informed risk profiling of visa applications, disrupting non-genuine travel through the ABF's network of airline liaison officers, and ABF enforcement action onshore.

161. The information available to the Department indicates that most applications for protection involve individuals opportunistically seeking entry to Australia, with a relatively low level of organisation. The Department has however, detected individuals who have sought to 'facilitate' entry to Australia through unlawful providers of immigration assistance.

162. In recent years, the Department has focused on identifying new methods and tools used by facilitators, and responding to the changing threat profile. Strategies have included conducting threat assessments on protection visa facilitators, criminality and the exploitation of workers. Where it identifies onshore facilitators, it investigates these individuals for potential prosecution.

163. There is no evidence to support suggestions of large-scale or organised approaches to air arrivals 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 sections of this paper.

### IMA Legacy Caseload

164. People who arrive in Australia unlawfully (without a valid visa), whether by air or sea, and seek protection can only be granted a temporary visa – either a Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV). These visas are not counted towards the Humanitarian Program ceiling.

165. When temporary protection visas were re-introduced in 2014, there were approximately 30,000 illegal maritime arrivals (IMAs) in Australia seeking protection. This cohort is referred to as the IMA Legacy caseload. At 31 March 2021, the IMA Legacy Caseload is 32,521 cases. Of these:
- 28,949 cases have been decided or otherwise resolved (approximately 87.9 per cent of the caseload):
    - 18,163 have been granted comprising 5566 TPV and 12,597 SHEV grants
    - 8,667 have been refused post-merits review
    - 822 have been refused and are seeking merits review
    - 1297 have been otherwise resolved (including IMAs who have departed before a final determination, failed to lodge or withdrawn an application)
    - 3573 cases are on-hand with the Department. Of these, 3478 are completing a primary assessment and 95 cases are under review following remittal to the department by a merits review body or court.
166. TPVs and SHEVs are valid for three and five years respectively. IMAs who continue to seek Australia's protection, must apply for a further TPV or SHEV before their current visa ceases. As at 31 March 2021, 4551 subsequent TPV and SHEV applications have been received, 314 subsequent visas granted, and no applications refused.

# Australian Citizenship Program

167. Migrants who become Australian citizens make an ongoing commitment to Australia and its values. Citizenship entails additional responsibilities to the Australian community as well as individual privileges.

168. Applications for Australian citizenship generally fall within four categories: conferral (the most common way of acquiring citizenship through application, representing approximately 90 per cent of all applications), descent, adoption and resumption.

## Citizenship by Conferral

169. Australian citizenship by conferral is available to permanent residents and eligible New Zealand citizens who meet relevant eligibility requirements, including residence, knowledge of Australia, language and character requirements.

- More than 123,600 citizenship by conferral applications have been finalised in 2020-21 to 31 March 2021, representing a decrease of 42 per cent in comparison to the same period in the 2019-20 program year (see Table 16).

**Table 16:** Number of Australian citizenship by conferral applications finalised, by decision type and financial year: 2011-12 to 31 March 2021

Financial year	Decision type				
	Approved	Refused	Invalid	Other <sup>1</sup>	Total
2011-12	95,837	2,208	13,897	763	<b>112,705</b>
2012-13	137,079	3,270	16,561	643	<b>157,553</b>
2013-14	158,907	5,728	26,611	783	<b>192,029</b>
2014-15	148,862	5,197	34,987	795	<b>189,841</b>
2015-16	129,515	4,749	32,612	792	<b>167,668</b>
2016-17	127,013	4,089	22,035	742	<b>153,879</b>
2017-18	80,776	4,956	14,998	692	<b>101,422</b>
2018-19	145,587	7,590	5,713	1,227	<b>160,117</b>
2019-20	215,394	8,762	2,179	1,988	<b>228,323</b>
2020-21 (to 31 Mar)	114,899	5,452	1,368	1,938	<b>123,657</b>

Source: **Department of Home Affairs, 2021**

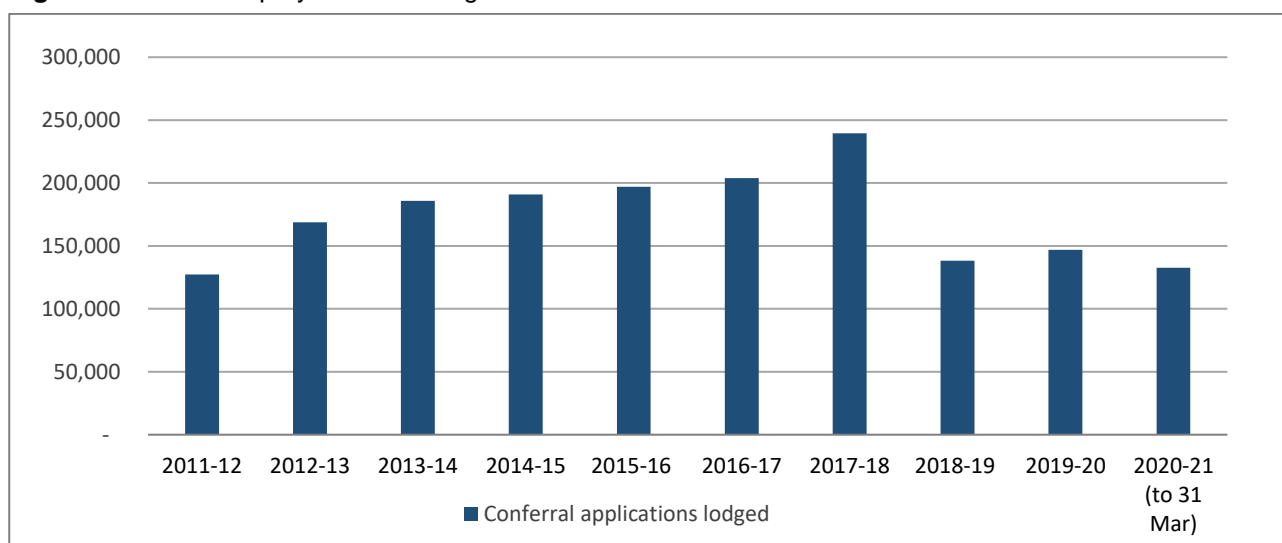
<sup>1</sup> "other" includes applications withdrawn by the client and minor numbers of administrative finalisations.

This report may differ from previous or other reports due to the use of dynamic database in the current financial year.

170. Once citizenship is conferred, it can be revoked only in extremely limited circumstances. From July 2014 to 31 March 2021, 48 individuals had their Australian citizenship revoked for criminal conduct, including for citizenship or migration fraud.

171. The Citizenship Program has experienced moderate growth through the COVID-19 period (see Figure 19). During 2020-21, to 31 March 2021, lodgement of applications for citizenship by conferral increased by 25 per cent compared to the same period in the previous program year.

**Figure 19:** Citizenship by conferral lodgement trends: 2011-12 to 31 March 2021

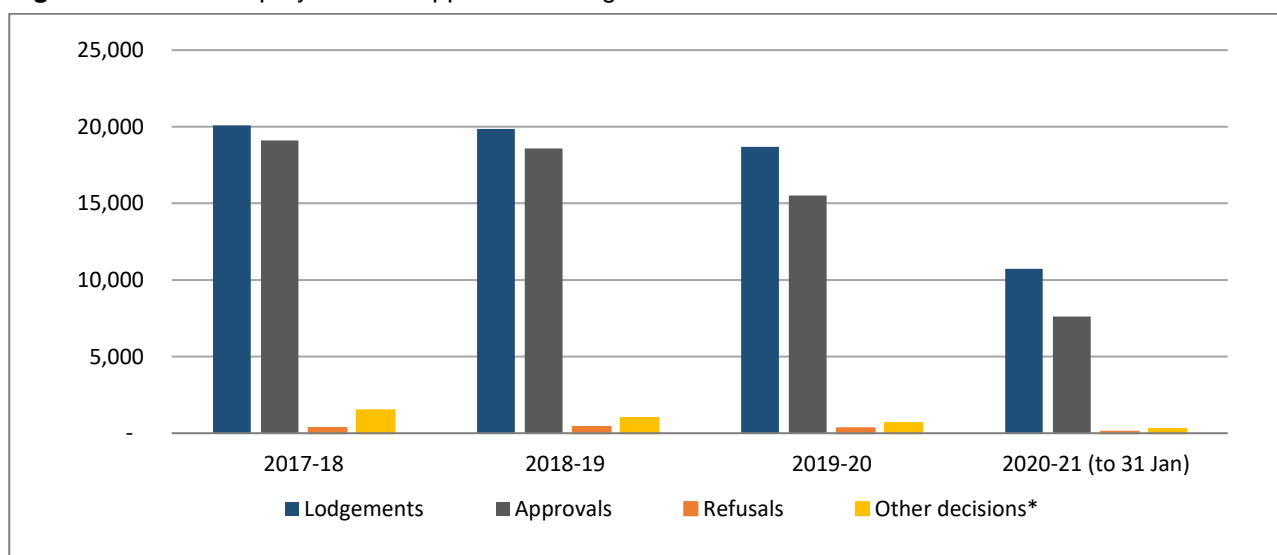


Source: **Department of Home Affairs, 2021**

## Citizenship by descent

172. People born outside of Australia, who at the time of their birth had a parent who was an Australian citizen (or the parent later became an Australian citizen on 26 January 1949), may apply for Australian citizenship by descent regardless of their age.
173. In 2020-21 to 31 March 2021, 11,384 people acquired Australian citizenship by descent (see Figure 20 below). This represents a 12 per cent decrease over the same period in the previous program year.

**Figure 20:** Citizenship by descent applications lodged and finalised: 2017-18 to 31 March 2021



Source: **Department of Home Affairs, 2021**

<sup>1</sup> "Other decisions" include invalidated applications, applications withdrawn by the client and administrative finalisations.

174. In 2019-20, 276 children born through surrogacy arrangements were approved as Australian citizens by descent. The main countries of birth of these children were the United States of America, Ukraine, Canada, Georgia, and Thailand.

## **Citizenship by Adoption**

175. Children adopted outside of Australia by an Australian citizen under the Hague Convention or a bilateral arrangement, can obtain Australian citizenship. Thirty three children were approved for Australian citizenship by adoption in 2020-21 to 31 March 2021, an increase from 29 in the same period the previous year.

## **Citizenship by Resumption**

176. People who previously renounced their Australian citizenship, or lost it automatically under historical provisions, may apply to resume Australian citizenship if they are of good character. In 2020-21 to 31 March 2021, 67 people had resumed Australian citizenship, compared to 102 for the same period in the previous program year.

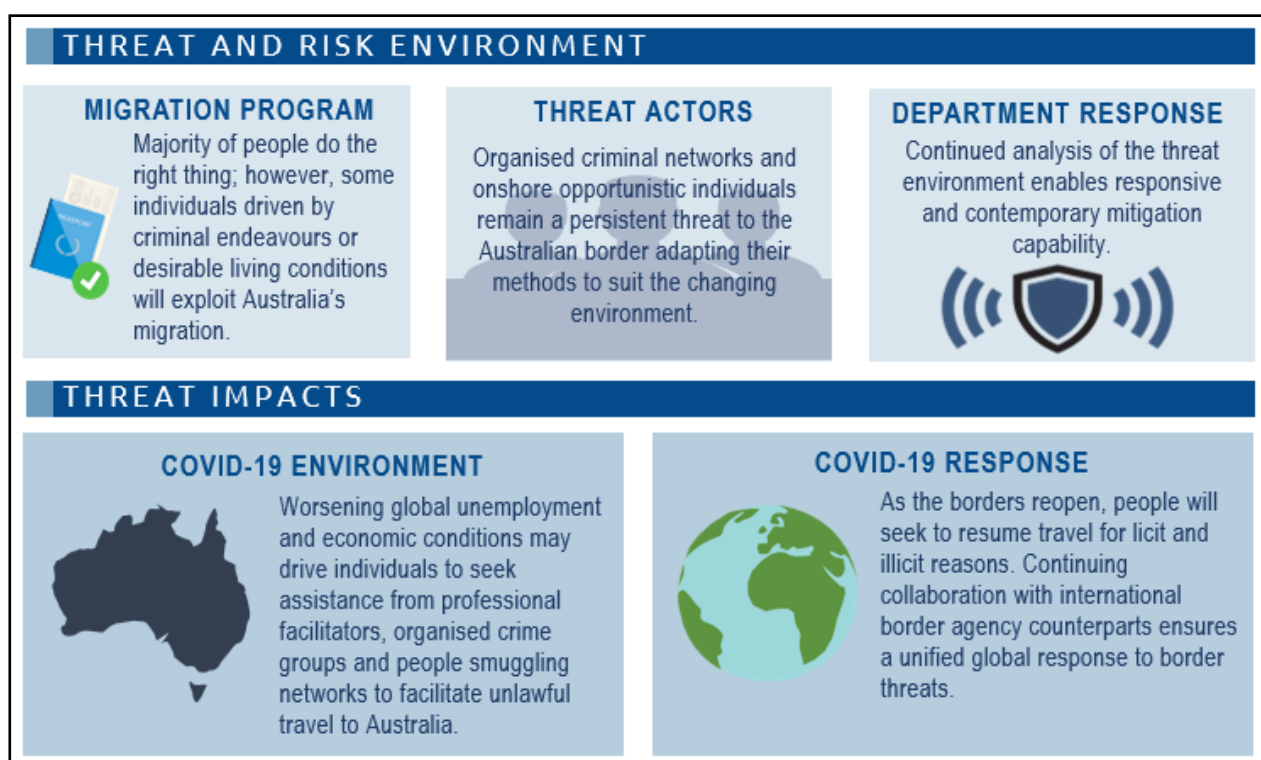
## **Service Delivery**

177. In response to COVID-19 risks, citizenship test appointments and in-person citizenship ceremonies were placed on hold from 23 March 2020, with online ceremonies introduced on 31 March 2020 until COVID-19 restrictions eased. Citizenship test appointments recommenced in July 2020 in Perth and progressively recommenced in other locations once COVID-Safe requirements could be met. Subsequently, short-term closures have occurred at various locations from time-to-time, in response to changing COVID-19 risks and restrictions. In-person citizenship ceremonies recommenced in June 2020, where COVID-Safe arrangements could be met. Online ceremonies continued to occur and, for the year to 31 March 2021, 48,466 people acquired Australian citizenship through online ceremonies.

# Managing threats, risk and community protection

## Threat and risk environment

178. Australia's current travel restrictions have temporarily suppressed threats to Australia's visa and citizenship programs from individuals offshore; however, immigration-related threats and vulnerabilities continue to manifest onshore. While the majority of people who enter and remain in Australia do so for legitimate purposes, individuals – including people smugglers, professional facilitators of migration fraud, and organised crime groups – still seek to identify and exploit vulnerabilities.
179. The pandemic and ensuing global economic consequences are influencing all aspects of modern life, including the environment in which criminals operate and the means by which migration-related vulnerabilities may be exploited. Maintaining acute situational awareness is crucial to the development of resilient and responsive border management processes.



180. Country-specific pandemic recovery efforts and the extent of successful socioeconomic recovery will influence future levels of fraudulent migration to Australia. Conversely, worsening global unemployment and economic conditions may drive individuals to seek assistance from professional facilitators, organised crime groups and people smuggling networks to facilitate unlawful travel to Australia.
181. The effects of global economic downturn such as rising unemployment, financial hardship and greater competition for jobs will drive opportunities for foreign worker exploitation. In an effort to support themselves while based in Australia, vulnerable migrant cohorts such as temporary visa holders with poor English language skills, will remain susceptible to onshore worker exploitation by unscrupulous employers and labour hire intermediaries.
182. Organised criminal networks and onshore opportunistic individuals remain a persistent threat to the Australian border, adapting their exploitation methods in response to the changing environment. As Australia prepares to rollout COVID-19 vaccines, some motivated



individuals, groups or actors seeking criminal gain, may attempt to infiltrate supply chains to profit from the import and sale of diverted, counterfeit or fake vaccines.

183. As the borders reopen, people will seek to resume travel for licit and illicit reasons. As traveller volumes, passenger screening and visa applications escalate, so too will pressures on existing border controls. Decision-making and targeted threat detection remain critical to identifying key indicators of immigration fraud for onshore exploitation purposes.

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

184. The Department leverages its systems and data to identify threats and vulnerabilities within the Immigration Program. It targets initiatives and operational decision-making at the earliest possible point in time and throughout a non-citizen's visa pathway. Examples of how the Department is improving its capabilities to better detect threats and vulnerabilities within an evolving environment include:
- developing, improving and strengthening its targeted and layered approach to assessing individuals and border movements, supported by technology and data that is fit for purpose, agile and responsive
  - garnering and fostering collaborative efforts, engagements and partnerships with onshore and offshore agencies, leveraging their information to develop a comprehensive intelligence picture.

## **Lifting intelligence capability support for the Immigration Program**

185. The Department is developing its intelligence capability to better support the management of the Immigration Program across the border continuum. By exploiting information from within the Department, the ABF, the national intelligence community and international partners, intelligence is enabling earlier operational outcomes.
- At the strategic level, intelligence provides an over-the-horizon view of the threat landscape, and identifies current migration-related threats and systemic vulnerabilities threatening the integrity of the Immigration Program. This includes visa fraud and non-compliance, criminality, exploitation of labour, and human trafficking.
  - At the operational and tactical level, intelligence directly supports the Immigration Program by identifying threats associated with current Australian visa holders, such as involvement with border related crimes, deliberate non-compliance with visa conditions and associations with criminal syndicates.
  - An increasing spectrum of risks and proposed treatments are being captured within visa and border processing systems to assist decision makers. This enhances the Department's ability to identify and mitigate risk offshore.
186. Strengthened intelligence sharing with law enforcement agencies and Australia's Migration Five (M5)<sup>17</sup> partners (Canada, New Zealand, the United Kingdom, and the United States of America) since the establishment of the Department, has resulted in the addition of more than 3,000 individuals confirmed or suspected of transnational serious and organised crime to watch-lists to ensure any visa applications they make are individually scrutinised.

<sup>17</sup> The M5 partner countries work together to enhance the integrity, security and efficiency of their immigration and border services.

## Biometrics and integrity screening in the Immigration Program

187. Over the past 10 years, the Department has increased its use of biometrics to facilitate legitimate trade and travel, and protect the border and community from threats including criminal activity and terrorism. Australia collects biometrics from visa applicants living in Australia and 48 other countries to detect persons of concern. The Department is expanding the biometrics collection programs to additional countries where it is safe to do so.
188. The biometrics collected from applicants are automatically checked against departmental and law enforcement data, with higher-risk cohorts checked against data held by M5 partners. Data sharing in 2019-20 and 2020-21 has been impacted by COVID-19.
- In 2019-20, the Department queried more than 1.58 million fingerprint records with one or more M5 partners. In 2020-21, the Department has queried more than 0.22 million fingerprint records.
  - In 2019-20, the Department received more than 0.96 million fingerprint queries from M5 partners, which resulted in a one per cent match rate. In 2020-21, the Department has received more than 0.58 million fingerprint queries from one or more M5 partners.

## Modern slavery and human trafficking

189. The Department and ABF employ measures intended to detect and prevent potentially exploitative practices, such as modern slavery and human trafficking, worker exploitation, and people smuggling before travellers reach Australia. These include refusal of visa applications and of entry at an Australian airport. The ABF's network of airline liaison officers may also prevent people from boarding flights to Australia.
190. 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).
191. In the context of the Immigration Program, the Government is aware of a very small proportion of non-citizens who are suspected victims of modern slavery or human trafficking, with 31 identified in 2020-21 (as at 31 March), representing 0.0037 per cent of all visas granted.
192. Between 1 July 2015 and 31 December 2020, 1,051 matters were referred to the AFP for investigation of possible modern slavery and human trafficking offences (including Australian citizens who may be victims<sup>18</sup>). These include referrals made by the Department and the ABF, as well as other bodies.
193. In the same period, the AFP referred 318 suspected victims (including Australian citizens) of these types of crime to the Government's Support for Trafficked People Program (support program)<sup>19</sup>.
- Between 1 July 2020 and 31 March 2021, the AFP identified 49 suspected victims of modern slavery or human trafficking (including 31 non-citizens) and referred them to the support program.
  - Of these, fewer than 10 claimed protection. Forced marriage and exit trafficking were the main offence types for non-citizen victims referred to the support program in 2020-21.

<sup>18</sup> This information was provided by the Australian Federal Police.

<sup>19</sup> This information was provided by the Department of Social Services.

- Law enforcement activity has found no evidence that a large volume of non-citizens arriving through Australian airports are then claiming protection and being subject to criminal exploitation.
194. Between 1 January 2004 and 31 March 2021, 26 people were convicted of modern slavery and human trafficking offences, including 17 Australian citizens.
  195. Australia's response to modern slavery and human trafficking is broadly consistent with its Five Eyes partners (Canada, New Zealand, the United Kingdom, and the United States of America). Each has comprehensive criminal offences, a national action plan, and government support programs for victims. Evidence suggests that all Five Eyes countries experience substantial challenges identifying victims. According to the US State Department's Trafficking in Persons Report in 2020, Australia has demonstrated serious and sustained efforts to eliminate human trafficking and consistently rates as a Tier 1 country in this regard.

## People smuggling

196. People smuggling is the organised, irregular movement of people across borders on a payment-for-service basis
197. 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 1,200 people drowned while attempting to reach Australia on small and often unseaworthy vessels that were unsuited to long voyages across the open ocean.
198. The Joint Agency Task Force (JATF) Operation Sovereign Borders (OSB) was established on 18 September 2013 to implement a whole-of-government effort to combat maritime people smuggling, prevent further deaths at sea, and protect the integrity of Australia's borders. OSB is a military-led border security operation supported and assisted by a wide range of Australian Government agencies.
199. Under OSB, the Australian Government's policy is to intercept any vessel seeking to reach Australia illegally and to safely return those on board to their point of departure or country of origin. Any person who cannot be safely returned will be transferred to a regional processing country for assessment of their protection claims.
200. Since the establishment of OSB, there have been 23 successful people smuggling ventures to Australia carrying 1,309 illegal maritime arrivals and crew. The last successful maritime people smuggling venture to Australia arrived on 27 July 2014. It has been more than seven years since the last known death at sea from maritime people smuggling ventures en-route to Australia.
201. Between 18 September 2013 and 31 March 2021, Australia intercepted and safely returned 873 potential illegal immigrants (PIIs) from 38 maritime people smuggling ventures to their country of departure or their home country.
202. Over the same period, close cooperation with regional partners has resulted in foreign law enforcement disruptions of an additional 84 maritime people smuggling ventures, 2,674 PIIs, and 633 arrests in source and transit countries<sup>20</sup>.
203. People smuggling is an offence under the Migration Act and the Criminal Code. The AFP leads the Australian Government's investigations into people smuggling offences in Australia.

<sup>20</sup> Statistics are provided by AFP posts, resulting from advice provided by foreign law enforcement and are indicative only as they are subject to a range of issues in terms of accuracy and quality. Post experience is that results are typically under-reported because arrests in regional locations are occasionally not reported.

Between 1 January 2015 and 31 March 2021, six people were convicted of people smuggling offences in Australia. Following the establishment of OSB, and effective domestic convictions, the primary focus is now on deterring and disrupting people smuggling at its source (that is, offshore) as part of a layered approach to border security.

## **Migrant worker exploitation**

204. Migrant worker exploitation refers to exploiting non-citizen visa holders, characterised by underpaying wages for labour or services (wage theft), and other violations of Australian workplace laws, including threatening and unethical behaviour.
205. The Attorney-General's Department and the Fair Work Ombudsman's office lead the Government's overall response to this issue, including in relation to the exploitation of Australian citizens. The Fair Work Ombudsman is responsible for providing education, assistance and advice about Australian workplace laws, as prescribed under the Commonwealth *Fair Work Act 2009*. The Attorney-General's Department is responsible for policy in relation to the Fair Work Act and other workplace matters.
206. The Department and the ABF play a specific role in combatting migrant worker exploitation and supporting the integrity of our immigration programs 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.
- Between 1 July 2014 and 31 March 2021, the ABF conducted 6,747 employer awareness activities, focusing on ensuring employers know their legal obligations and that workers hold valid visas with appropriate work rights.
  - Between 1 July 2020 and 31 March 2021, 287 businesses were sanctioned for breaching their sponsorship obligations. Breaches may include the sponsor not ensuring equivalent terms and conditions of employment for the visa holder, not ensuring the visa holder is working in the occupation for which they were nominated or recovering costs from the visa holder. Available sanctions range from cancellation of a sponsorship approval or barring a business from further sponsorship to issuing infringement notices and civil prosecution. The ABF issued 22 infringement notices to employers not meeting sponsorship obligations.
  - Commencing in December 2018, the ABF continues to conduct a national operation (Operation BATTENRUN), targeting unscrupulous labour hire intermediaries and those exploiting foreign workers through issuing warnings and infringement notices, and where appropriate visa cancellations, detention and removal from Australia.
207. Migrant workers and potential employers are able to verify a non-citizen's immigration status and the conditions attached to their visa through the Department's Visa Entitlement Verification Online (VEVO) system. As at 31 March, 2021, a total of 129,156 organisations had registered with VEVO (compared to 120,624 at 31 March 2020).
208. Non-citizens have access to the same workplace protections and entitlements as Australian citizens. The final Report of the Migrant Workers' Taskforce<sup>21</sup> estimates that in 2017–18, migrant workers accounted for 6 per cent of the Australian workforce. Disputes from non-citizen visa holders constitute a very small proportion of overall non-citizen visa holders

<sup>21</sup> Attorney-General's Department (2019), Report of the Migrant Workers' Taskforce, 7 March 2019 [online document], Australian Government accessed, March 2020

(0.015 per cent of the 6.84 million visa grants in 2019–20). However, the Fair Work Ombudsman reports that 21 per cent of the 1,761 formal disputes resolved in 2020–21 (to 31 December 2020) involved non-citizen visa holders.

- In 2020–21 (to 31 December 2020), the top three industries in which visa holders requested assistance from the Fair Work Ombudsman were accommodation and food services (33 per cent), administrative and support services (12 per cent) and construction (8 per cent). These were also the top three industries represented in all requests for assistance made to the Fair Work Ombudsman.
- Between 1 July 2014 and 30 June 2020, the main type of workplace exploitation allegations received by the Fair Work Ombudsman for non-citizen visa holders related to the non-payment and underpayment of wages and terminations.

209. The Department works with the Fair Work Ombudsman to ensure that visa holders with work rights who have reported exploitation will generally not have their visa cancelled. As at 31 March 2021, the Fair Work Ombudsman had referred 73 visa holders to the Department under an Assurance Protocol established in 2017. No member of this cohort has had their visa cancelled.

210. To assist non-citizens, the Department and ABF make information about worker rights and entitlements available through a range of channels. These include information provided to visa holders about their work conditions and entitlements in their visa grant notices and via 'push' messaging sent to Working Holiday Maker visa holders and text messages at different points of their visa pathway. Information on workplace rights is also available on the Department's and the Fair Work Ombudsman's websites.

## Ensuring immigration integrity and community protection

211. Heightened levels of risk and fraud have been a feature across most visa programs and have led to an increase in refusal decisions over the last five years. Between 2015–16 and 2019–20, the refusal rate across the temporary and permanent visa programs increased from 2.5 per cent to 4.5 per cent (see Table 17).

212. Between 1 July 2015 and 31 March 2021, the Department and ABF:

- refused more than 1.5 million visa applications
- refused the entry of 18,946 travellers at an Australian airport
- prevented more than 3,600 people from boarding flights to Australia through the ABF's network of airline liaison officers.

**Table 17:** Visa Applications Decided by Program Year (non-humanitarian visas)

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21 (to 31/03/2021)
<b>Visa Applications Decided (Granted or Refused)</b>	8,339,513	9,052,095	9,386,838	9,607,025	7,169,298	880,186
<b>Visa Applications Refused</b>	209,657	237,153	308,150	377,469	325,637	41,214
<b>Refusal Rate</b>	<b>2.5%</b>	<b>2.6%</b>	<b>3.3%</b>	<b>3.9%</b>	<b>4.5%</b>	<b>4.7%</b>

Source: Department of Home Affairs, 2021

## Unlawful Non-Citizens

213. An Unlawful Non-Citizen is defined in the Migration Act as a non-citizen who is in the migration zone who is not a lawful non-citizen, meaning that they do not hold a visa that is in effect.
214. The number of unlawful non-citizens (UNC) in Australia as at 30 June 2020 is estimated to be 70,000. This estimate is derived by matching visa grants, arrivals and departures across many departmental systems and Fact of Death data collated by individual state and territory jurisdictions, to ascertain those that may have arrived in Australia and not departed before their visa expired or cancelled. The estimate excludes non-citizens who may have arrived prior to the commencement of the *Migration Reform Act 1994*, which established the current legislative framework, and persons in detention.
- Matching traveller data across different systems is inherently difficult and prone to error as people can arrive and leave on different travel documents and under different names.
215. There is also a significant amount of change within the cohort of UNCs in Australia at any one time as most non-citizens are only unlawful for a short period and either engage with the Department's Status Resolution program to resolve their immigration status or depart voluntarily
216. The ABF's operational activity is focused towards UNCs who pose a significant risk to the Australian community (for example those involved in organised and criminal exploitation of Australia's visa program, and foreign worker exploitation).

## Cancellations

217. All non-citizens who apply for, and are granted a visa are expected to obey Australian laws and to meet, and continue to meet, character, health, identity, security and other eligibility requirements set out in the Migration Act. These requirements are intended to ensure the safety and security of the Australian community.
218. In addition to the capacity to refuse visa applications or entry to Australia, the visa cancellation framework supports the Department's core objectives of ensuring the protection of the Australian community and the integrity of Australia's borders and visa programs.
219. Section 501 of the Migration Act and associated general cancellation powers allow for the refusal or cancellation of a visa where the visa holder may present a risk to the Australian community. A person may fail the character test under section 501 of the Migration Act for a number of reasons, including if they have a substantial criminal record. Decisions under section 501 of the Migration Act may be mandatory, discretionary or occur by operation of law. Decisions to cancel or refuse a visa are based on evidence and may be reviewable through:
- the non-citizen requesting the visa be reinstated (revocation of the character cancellation);
  - merits review by the AAT; or
  - judicial review by the courts.



**Table 18:** Adverse section 501 (character) outcomes in 2019-20 and 2020-21 (to 31 March 2021)

Character outcome	2019-20	2020-21
Mandatory character cancellation	966	726
Discretionary character cancellation	54	18
Character refusal	354	521
Character revocations (not revoked)	452	347
<b>Total</b>	<b>1,826</b>	<b>1,612</b>

Source: Department of Home Affairs, 2021

220. Non-character related cancellation powers under the Migration Act are broad ranging and provide the power to consider visa cancellation in a number of circumstances to both protect the Australian community and ensure the integrity of the migration program. Cancellation grounds include non-compliance with visa conditions, provision of incorrect information or where the person may present a risk to the health, safety or good order of the Australian community.

221. As demonstrated in Table 19, the number of non-character related cancellations in 2020-21 has reduced significantly as a direct result of the COVID-19 pandemic and border closures.

**Table 19:** General Cancellation decisions 2019-20 and 2020-21 (to 31 March 2021)

General Cancellation decision	2019-20	2020-21
s109 (Incorrect Information)	216	173
s116 (General Power)	4,155	962
s128 (Holder Overseas)	46,253	13,607
s134 (Business Visa)	102	83
All other powers	7,490	3,652
<b>Total</b>	<b>58,216</b>	<b>18,477</b>

A visa may be recorded as cancelled more than once. An example of a visa being recorded as cancelled more than once is if the visa is cancelled, the cancellation is subsequently revoked or set aside, and then the visa is cancelled again.

- A cancellation may be revoked or set aside for a number of reasons, including further legal proceedings, and administrative or jurisdictional errors, etc. Duplicates may exist.

As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting. Does not include any s501 character statistics, only s501Fs are included.

222. Following initial amendments to the *Biosecurity Act 2015* (Biosecurity Act) in April 2019, further amendments commenced in January 2021 to strengthen biosecurity measures at Australian borders. To support the amendments made to the Biosecurity Act, relevant amendments were made to the Migration Regulations 1994 to allow for:

- the extension of the discretionary cancellation grounds from visitor visas to include student and work visa subclasses
- increased biosecurity infringement penalty amounts associated with breaches under the Biosecurity Act.

223. Since the initial Biosecurity Act implementation in April 2019, the Department has cancelled 14 visitor visa for breaches of the Biosecurity Act.

## Status resolution

224. The Department works with non-citizens who require assistance to resolve their immigration status, including non-citizens who:

- do not hold a valid visa through
  - having overstayed their visa or
  - having their visa cancelled
- entered Australia without authorisation or
- hold a current valid visa that is about to expire.

225. Officers working in the Status Resolution program engage with non-citizens to promote self-agency, assisting individuals to self-resolve their immigration status in a timely and appropriate manner.

226. While facilitating timely status resolution outcomes, the Status Resolution program also seeks to engage with, and mitigate risk to:

- the community
- the client or detainee
- the integrity of Australia's migration program and
- the Department and Government.

**Table 20:** People who entered the Status Resolution program 2018-19 to 2020-21 (to 31 March 2021)

People who entered the Status Resolution program	2018-19	2019-20	2020-21 (to 31 March 2021)
<b>Persons who voluntarily approached the Department</b>	11,390	16,918	13,331
<b>Persons located by the Australian Border Force or Police</b>	2,881	2,231	1,384
<b>Total</b>	<b>14,271</b>	<b>19,149</b>	<b>14,715</b>

Source: Department of Home Affairs, 2021

227. The Department works with clients to try to ensure they retain their lawful status in Australia. With the closure of international borders due to the COVID-19 pandemic, a large number of international flights have ceased and some temporary visa holders and unlawful non-citizens have been unable to depart Australia. This has resulted in a large increase in the volume of Bridging visa E (subclass 050) applications as these individuals seek lawful status while they remain temporarily in Australia. Between 1 July 2020 and 31 March 2021, the Department finalised 29,864 Bridging visa E (subclass 050) applications, about 60 per cent more than in the same period last year. Approximately 96 percent of Bridging visa E applications are granted. As at 31 March 2021, fewer than five non-citizens held a Bridging visa E (subclass 051).

228. The Department continues to assist non-citizens to return to their countries through the Return and Reintegration Assistance program (RRAP). Due to the COVID-19 pandemic, the RRAP saw an initial increase in referrals from non-citizens and family groups seeking to



return home but without the financial means to do so. Service providers are managing flights and the acquisition of travel documents to facilitate the return of eligible non-citizens.

229. Between 1 July 2020 and 31 March 2021, the department referred 925 non-citizens to RRAP's two service providers and facilitated the return of 461 non-citizens.

**Table 21:** Return and Reintegration Assistance program referrals 2018-19 to 2020-21 (to 31 March 2021)

Return and Reintegration Assistance program referrals	2018-19	2019-20	2020-21 (to 31 March 2021)
<b>Total</b>	<b>1,345</b>	<b>1,484</b>	<b>925</b>

Source: **Department of Home Affairs, 2021**

230. The Status Resolution Support Services (SRSS) program provides short-term support to individuals while they engage with the Department to resolve their immigration status, either through the grant of a substantive visa or departure from Australia. Types of support services provided include financial, accommodation, access to health care, case worker support, and access to education for school aged children. As at 31 March 2021, there were 2,774 non-citizens on the SRSS program.

**Table 22:** Status Resolution Support Services recipients 2019 to 2021 (to 31 March 2021)

Status Resolution Support Services recipients	30 June 2019	30 June 2020	31 March 2021
<b>IMA</b>	3,907	2,769	1,653
<b>Non-IMA</b>	1,575	1,509	1,121
<b>Total</b>	<b>5,482</b>	<b>4,278</b>	<b>2,774</b>

Source: **Department of Home Affairs, 2021**

## Management of transitory persons

231. The Migration Act provides for the bringing of transitory persons (defined in section 5 of the Migration Act as a person who was taken to a regional processing country) to Australia from a regional processing country for a temporary purpose (generally medical treatment or as accompanying family). Transitory persons are administratively detained on arrival under section 189 of the Migration Act as unlawful non-citizens. Once the temporary purpose for which they were brought is complete, the transitory person is required to return to a regional processing country.
232. As at 31 March 2021, 1,192 transitory persons were residing temporarily in Australia<sup>22</sup> (see Table 23). Efforts to return transitory persons to a regional processing country at the conclusion of their temporary purpose have been impacted by active litigation. Despite this, the Department continues to progress the return of transitory persons whose temporary purpose has concluded or who have requested voluntary removal to a regional processing country. Returns to a regional processing country are considered on a case-by-case basis, with reference to various factors, including medical, legal, host country permission and travel restrictions.

<sup>22</sup> Figures exclude less than five babies born onshore to medical transitory persons in the community pending administrative detention.

**Table 23:** Transitory persons onshore, as at 31 March 2021

Transitory persons onshore	Held detention	Residence Determination (community detention)	Final Departure Bridging visa E	Total
Medical transitory persons brought to Australia for a temporary purpose	143	447	504	1,094
Babies born to medical transitory persons onshore in Australia	0	65	33	98
<b>Total</b>	<b>143</b>	<b>512</b>	<b>537</b>	<b>1,192</b>

Source: Department of Home Affairs, 2021

233. Consistent with Australian Government policy regarding settlement of illegal maritime arrivals in Australia, transitory persons will not be settled permanently in Australia. Transitory persons will remain subject to third country migration outcomes and are encouraged to actively engage with the Department on their options.