



# Certification of Immigration Status

## CHARGING ARRANGEMENT

*2024*

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# 1. INTRODUCTION

## 1.1. Purpose

This charging arrangement document provides information on how the Department of Home Affairs (Home Affairs) implements charging for Certification of Immigration Status Issuance. The Certification of Immigration Status is an electronic certificate issued to an applicant's superannuation fund/s at the request of the applicant, to confirm the applicant's eligibility to apply for a Departing Australia Superannuation Payment. If the applicant has multiple superannuation funds, Home Affairs will issue a Certification of Immigration Status to all the funds listed on the application form. The applicant will also receive copy of the electronic certificate.

## 1.2. Description of the Charging Activity

The Certification of Immigration Status Issuance activity involves processing applications for Certification of Immigration Status, cancelling the visas of individuals who have departed Australia as required, and issuing the appropriate digital certification.

This activity is linked to the Departing Australia Superannuation Payment (DASP) scheme, which is administered by the Australian Taxation Office (ATO). DASP allows individuals who meet the following criteria to claim superannuation payments:

- Entered Australia on a temporary visa (e.g., student visa, working holiday visa)
- Not an Australian or New Zealand citizen, nor a permanent resident of Australia
- Paid superannuation contributions of at least AUD\$450 (before tax) in a calendar month
- Departed Australia with no outstanding visa in effect

A Certificate of Immigration Status (Form 1194) is required by superannuation funds to verify a former visa holder's eligibility for DASP. It is important to note that Form 1194 is not an application for the DASP itself, but a document used to confirm immigration status when required by the super fund.

Individuals applying for DASP through the ATO's online portal do not need to submit Form 1194. If they cannot access the portal or submit a paper application, they may apply using the following paper forms:

- For superannuation held by a super fund, use the **Application for a Departing Australia Superannuation Payment (NAT 7204)** and submit it directly to the super fund.
- For ATO-held superannuation, use the **Application for Payment of ATO-Held Superannuation Money (NAT 74880)** and submit it to the ATO.

Applicants may also authorise someone else to claim on their behalf.

## 1.3. Background

Home Affairs is responsible for the implementation, management and control of foreign visas and their applications when non-citizens and non-residents come to Australia. Most commonly, these visas come in the form of a tourist visa, with no working rights, or a temporary work visa, which includes temporary skill shortage (subclass 482), skilled regional (provisional) (subclass 489) and working holiday (subclass 417) visas.

Whilst working in Australia, employees are entitled to superannuation (super), which is the primary way that most Australians save for their retirement. Super is a long-term investment strategy, usually managed by a super fund that grows over time. Contributions generally begin when someone starts work with the employer paying a percentage of salary or wages into the employee's nominated super fund. This contribution to super is paid on top of wages, but employees can also opt to make additional voluntary contributions (capped). Super funds then invest and manage this money until the worker's retirement.

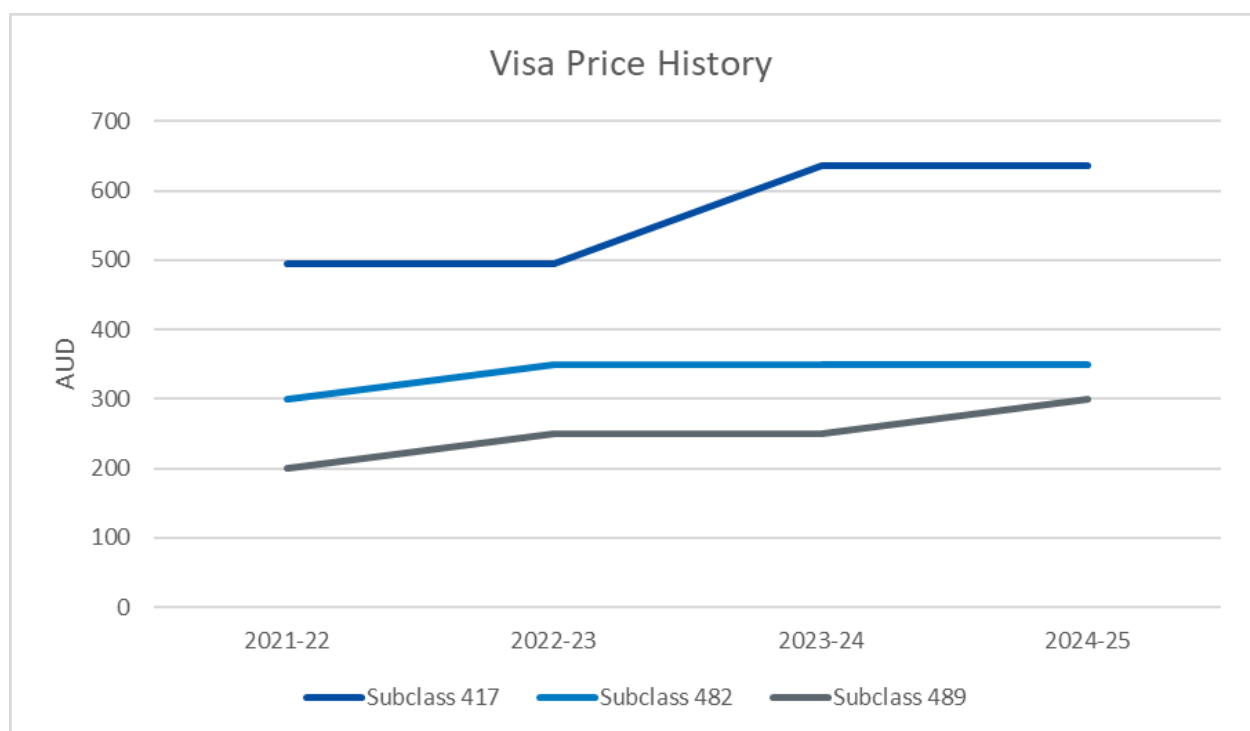
In Australia, generally all employees are eligible for super guarantee, regardless of age or employment status (fulltime, part-time, temporary, etc.). The current super guarantee rate as of 1<sup>st</sup> July 2024 is 11.5%, paid on ordinary time earnings (OTE).

Whilst in Australia and earning an income, temporary workers are also entitled to this super guarantee, regardless of the permanence of their stay. However, in most cases, the non-permanence nature of a temporary worker’s stay means that they will not be in Australia for their retirement and are therefore ineligible to claim the benefits of their superannuation contributions when they come available.

Once they leave Australia and their visa expires, they may be eligible to claim back their super contributions through the Departing Australia Superannuation Payment (DASP).

It’s important to note that permanent visa holders who were previously on a temporary visa, and whose permanent visa has expired, may also be eligible to be issued a Certificate of Immigration Status and apply for DASP.

**Table 1: VISA Pricing History**



## 2. AUTHORITY TO CHARGE

### 2.1. Policy Authority and Legal Basis to Charge

Charging for issuance of the Certification of Immigration Status is authorised under administrative provisions, rather than direct legislative mandates. The process is grounded in section 61 of the Australian Constitution, which allows the executive government to charge fees for administrative functions. Additionally, this activity is funded through revenue receipts retained by the Portfolio in accordance with section 74 of the *Public Governance, Performance and Accountability Act 2013*.

In the context of DASP, the *Superannuation Industry (Supervision) Regulations 1994* Regulation 6.24A mandates the compulsory cashing of benefits for temporary residents, providing a legislative basis for actions related to superannuation payments to temporary residents.

This framework ensures that the charges for Certification of Immigration Status issuance are aligned with administrative functions, with appropriate legal backing for the collection and retention of related revenue.

## 3. FEES, CHARGES AND REVENUE

### 3.1. Fees and Charges

Charging for the issuance of the Certification of Immigration Status involves a standard fee of \$55 which must be submitted with each application. This fee applies to individuals who are applying for a DASP who meet the following criteria:

- They are unable to submit their claim online through the ATO portal
- Their super amount is more than \$5,000 which necessitates the manual submission of a Certification of Immigration Status as part of their application.

The charge is required to cover administrative costs related to the verification and issuance of the certification. The fee is non-refundable, even if the request for the Certification of Immigration Status is not successful or if the applicant does not meet the eligibility criteria for DASP.

This process ensures that temporary residents can complete their superannuation claim process when they cannot access the online system, thereby supporting the overall DASP framework.

### 3.2. Revenue

Charges for the **Certification of Immigration Status** issuance is typically updated annually on **1 July**, in line with any adjustments to fees or cost structures. Revenue generated from this charge has generally aligned with the cost base for administering the activity, ensuring that the fees collected adequately cover the expenses incurred. For example, in 2021-22, a total of \$0.07 million in revenue was collected, which neared the cost base of \$0.07 million, indicating a positive revenue-to-cost ratio. This suggests that the program is financially self-sustaining and capable of covering its operation costs. Table 1 provides further details on the relationship between expenses and revenue, generated from this activity, offering a clear breakdown of the financial performance and ensuring transparency in cost recovery for the Certification of Immigration Status issuance.

## 4. Risk Assessment

### 4.1. Charging Risk Assessment

**Overall CRA Rating:** The overall CRA rating for the current chargers is assessed as Medium. While the adjustments and revenue implications are noteworthy, the overall risk remains low. This is attributed to the minimal impact on payers, the absence of major legislative changes, and the lack of significant concerns raised during consultations.

Certification of Immigration Status Charging Risk Assessment (CRA) (Attachment A) will be updated as required to reflect any changes and ensure continued alignment with risk management strategies.

## 5. FINANCIAL PERFORMANCE

### 5.1. Actuals

The financial performance of the Certification of Immigration Status issuance program over the past three financial years is detailed in Table 2, showing the expenses, revenue, variance, and volumes for each year.

**Table 2: Financial Performance**

<b>FY</b>	<b>Expenses</b>	<b>Revenue</b>	<b>Variance/Balance</b>	<b>Volumes</b>
2021-22	\$71,662	\$68,900	-\$2,762	1,378
2022-23	\$59,892	\$57,205	-\$2,687	1,144
2023-24	\$39,197	\$35,650	-\$3,547	713
2024-25	\$53,384	\$46,500	-\$6,734	933
<b>TOTAL</b>	<b>\$224,135</b>	<b>\$208,405</b>	<b>-\$15,730</b>	<b>4,168</b>

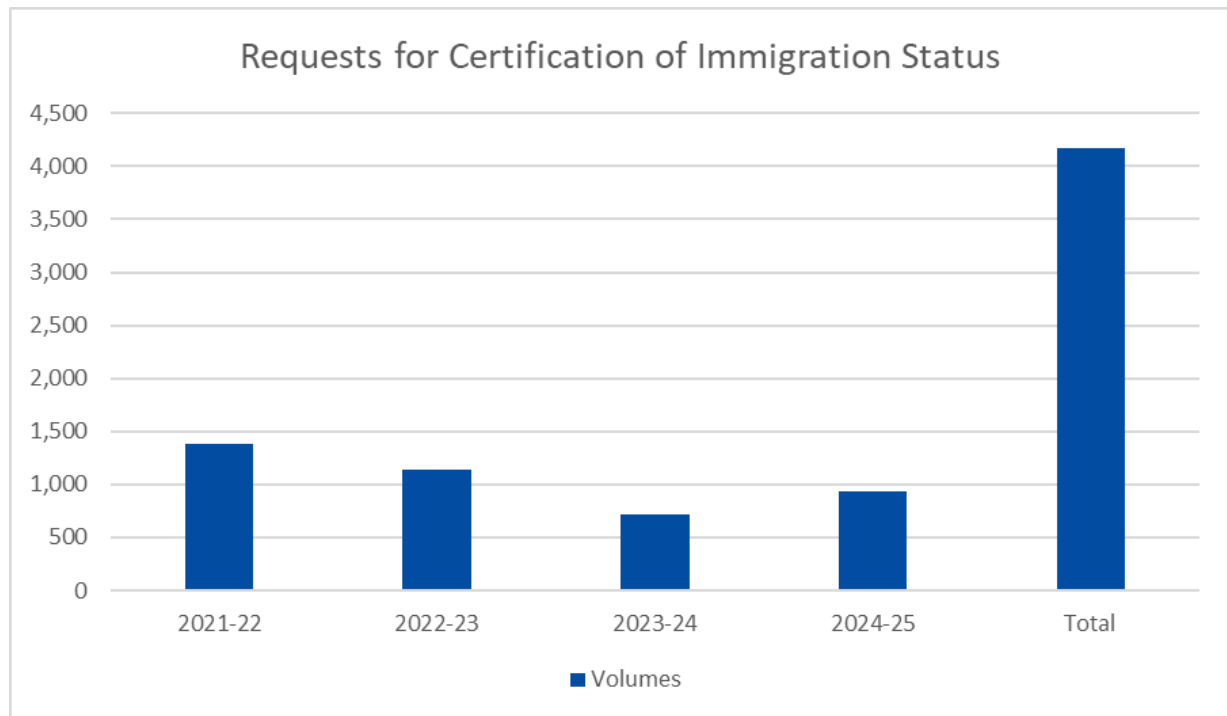
Financial forecasts for this charging arrangement are highly variable, as they depend directly on the number of Certifications of Immigration Status issued to applicants' superannuation funds upon request. The variability arises from factors such as fluctuations in demand for certifications, changes in immigration and superannuation policies, and shifts in the number of eligible applicants seeking certification. These external factors make it challenging to predict revenue consistently, as the volume of requests can vary significantly year by year.

## 6. NON-FINANCIAL PERFORMANCE

### 6.1. Volume

Table 3 reflects the variability of requests made for a Certificate of Immigration Status over the past three years. The total requests over the past four years tally 4,168.

**Table 3: Visa Volume Data**



## 7. STAKEHOLDER ENGAGEMENT

Stakeholder engagement for the Certification of Immigration Status issuance program has involved both internal and external stakeholders, with regular engagement to ensure alignment with operational and policy changes.

- **Internal Stakeholders:** Engagement with internal teams (finance, operations and policy) has focused on fee adjustments, cost management, and operational efficiency, typically through meetings and reports.
- **External Stakeholders:** External stakeholders, including applicants, superannuation funds, and immigration services, have provided feedback on process efficiency and fee transparency. This has occurred through written communications, surveys, and consultations. Key feedback has included a desire for clearer communication and streamlined processes.

Plans for future engagement include:

- Regular consultations with internal and external stakeholders.
- Clear and accessible information on fees and processes.
- Proactive communication via online platforms to keep stakeholders informed about changes.

## 8. KEY FORWARD DATES AND EVENTS

Table 4 reflects the major program reviews for this program.

**Table 4: Key Forward Dates**

Date	Key Event	Description
2025	Portfolio Charging Review (PCR)	Review of the charging arrangements and fee structures for the Certification of Immigration.
2025	Internal Program Review	Internal review of the program's performance, processes, and financial sustainability.

## 9. APPROVAL AND CHANGE REGISTER

Table 5 reflects the key approval processes in relation to releasing this charging document and any amendments to this charging document including fees and charges.

**Table 5: Change Register and Approvals**

Date	Key change/s	Approver
2025	Approval to release Charging Document	(Accountable Authority / CFO)
2025	Update of program information and/or financial estimates	(Accountable Authority / CFO)
2025	Update of costs and charges	(Accountable Authority / CFO)

### Attachment A: Charging Risk Assessment

Implementation risks		Low		Medium		High
1. What is the expected percentage change in total annual revenue after the proposed changes?	<input checked="" type="checkbox"/>	0 to 10%	<input type="checkbox"/>	11 to 20%	<input type="checkbox"/>	>20%
2. What is the expected change in total annual revenue after the proposed changes?	<input checked="" type="checkbox"/>	0 to \$10m	<input type="checkbox"/>	\$11m to \$20m	<input type="checkbox"/>	\$20m+
3. What is the highest percentage increase in price a payer† may experience?	<input checked="" type="checkbox"/>	0 to 5%	<input type="checkbox"/>	6 to 10%	<input type="checkbox"/>	>10%
4. What type of charges are changing?	<input checked="" type="checkbox"/>	Fees only	<input type="checkbox"/>	Levies only or fees and levies	<input type="checkbox"/>	Fees, levies and other charges†
5. What does the revised proposal involve?	<input checked="" type="checkbox"/>	Change in the level of existing regulatory charges only	<input type="checkbox"/>	Change in the structure of existing regulatory charges and/or composition of payees	<input type="checkbox"/>	Commencing charging for an existing activity (or some of its components)
6. Does the revision require legislative changes? <ul style="list-style-type: none"> <li>• Primary legislation (enabling Act or taxation Act)</li> <li>• Subordinate legislation (Regulations, Determinations)</li> </ul>	<input checked="" type="checkbox"/>	Existing legislative mechanisms are in place and only requires a change to subordinate legislation to specify the \$ value of fees and/ or charges	<input type="checkbox"/>	Requires a change to existing legislative mechanism/s	<input type="checkbox"/>	Requires a new primary legislative mechanism or new subordinate legislative mechanism
7. What will the impact on payers†† be? Have you considered: <ul style="list-style-type: none"> <li>• The number of people affected</li> <li>• The nature of who will be charged (individuals, S/M/L business)</li> </ul>	<input checked="" type="checkbox"/>	Low	<input type="checkbox"/>	Medium	<input type="checkbox"/>	High / Unknown
8. Does the proposal involve working with other Commonwealth, State/Territory and/or local government entities?	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Other Commonwealth entities only	<input type="checkbox"/>	Commonwealth, State/Territory and/or local government entities
9. What consultation has occurred with payers and other stakeholders about the proposed charges?	<input checked="" type="checkbox"/>	Consulted - no significant issues raised Indexation/admin changes previously consulted on.	<input type="checkbox"/>	Consulted – issues raised but can be addressed	<input type="checkbox"/>	Not consulted <u>or</u> consulted and significant issues raised but ongoing sensitivities
<b>Overall CRA rating:</b>	<input type="checkbox"/>	<b>LOW</b> (all “Low”)	<input checked="" type="checkbox"/>	<b>MEDIUM</b>	<input type="checkbox"/>	<b>HIGH</b> (three or more “High”)