

Melville Miranda

Legal Case Analyst /Legal Case Researcher

Email:

24 Jan 2019

Date Submitted: 24 Jan 2019

Date Closed: 25 Jan 2019

Legal and Constitutional Affairs Legislation Committee (Senate)

Australia

Email.legcon.sen@aph.gov.au

Sub: Analysis Submissions Amendment (Streamling Visa Processing) Bill 2018 [Provisions]

Whether the bill establishes legislative framework

Yes. The bill will require certain applicants of certain visa classes to provide personal identifiers at the time they lodge their visa.

The bill retains the definition of personal identifiers under section 5A of the Migration Act 1958.

The collection of personal identifiers is essential to establish the identity of noncitizens, as checks using personal identifiers are more accurate than document based checks of biographic details as name and date birth alone.

Does the bill remove the discretion

No. The bill does not remove the discretion to require personal identifiers from visa applicants at any time after a visa application has been made. The minister would continue to be able to require additional personal identifiers after lodgement of the visa application.

Does the bill provide protections?

These amendments fully retain the existing provisions associated with the collection of personal identifiers in the Migration Act, such as those relating to privacy, humanity, and dignity.

The bill is a useful check against terrorism.

Conclusion

The bill protects and enhances the integrity of the applicants from crime or risk to national security.