

**HOME AFFAIRS PORTFOLIO
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-308

Subject: Outward Exemption - Long-distance partners

Asked by: Nick McKim

Question:

Since the commencement of the new online travel exemption system in early August 2020, how many Australian citizens/Permanent Residents have applied to leave Australia to reunite with their long-distance partners overseas?

- a) How many in this category were granted permission to leave?
- b) How many in this category were denied permission to leave?

Answer:

It is not possible to provide this data without undertaking examination of individual requests which would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-309

Subject: Outward Exemption - Critically ill family

Asked by: Nick McKim

Question:

Since the commencement of the new online travel exemption system in early August 2020, how many Australian citizens/Permanent Residents have applied to leave Australia to be with critically ill family in their last stage of life?

- a) How many in this category were granted permission to leave?
- b) How many in this category were denied permission to leave?
- c) What definition of "close family" is the ABF using to assess applications?
- i) How many applicants have been denied permission to leave Australia to be with dying grandparents?

Answer:

a) and b)

Data is not available without undertaking examination of individual requests, which would involve an unreasonable diversion of resources.

c)

Close family members are parents, children, siblings and partners.

i)

Data is not available without undertaking examination of individual requests, which would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-310

Subject: Automatic Exemption Reason - Business Innovation and Investment (subclass 188) Visa

Asked by: Nick McKim

Question:

Why have holders of the Business Innovation and Investment (subclass 188) Visa been given an “automatic exemption” on par with Australian Citizens and Permanent Residents, when all other visa classes are subject to Australia’s travel ban?

Answer:

A range of visa holders are exempt from Australia’s travel restrictions, including diplomats (holding a subclass 995 visa), maritime and air crew (holding a subclass 988 or relevant visa), travellers transiting Australia for less than 72 hours (holding a subclass 771 or relevant visa) and more recently, those recruited under Government approved Seasonal Worker Program or Pacific Labour Schemes (subclass 403 visa)

The Business Innovation and Investment Program 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 Australian economy.

The value of the BIIP program to Australia’s economic recovery is clear through its focus on:

- Establishing and developing new and existing businesses
- Commercialisation of products and services and establishing high value businesses and,
- Investment and job creation in Australian economy.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-311

Subject: Automatic Exemption - Business Innovation and Investment (subclass 188) Visa

Asked by: Nick McKim

Question:

When did holders of a Business Innovation and Investment (subclass 188) Visa become “automatically exempt” from Australia’s travel ban?

a) Please provide an exact time and date.

Answer:

Business Innovation and Investment (Provisional) (BIIP) (subclass 188) visa holders have been included as an exempt category since 31 August 2020. Individual BIIP visa holders have been able to apply for an individual exemption since travel restrictions commenced.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-312

Subject: Inward Exemptions - Business Innovation and Investment (subclass 188) Visa

Asked by: Nick McKim

Question:

Since the commencement of the new online exemption system in early August 2020 and prior to holders of this subclass category becoming “automatically exempt”, how many holders of Business Innovation and Investment (subclass 188) Visa have applied for “inwards” travel restriction exemptions to return to Australia?

- a) How many have been “approved” – before this subclass become automatically exempt?
- b) How many have been “rejected” – before this subclass become automatically exempt?

Answer:

Between 1 and 31 August 2020, 141 inwards travel exemption requests were received from Business Innovation and Investment (Subclass 188) visa holders. Of these:

- a. 31 were approved
- b. 44 were refused
- c. 66 requests were otherwise finalised*.

** otherwise finalised includes requests that were withdrawn, duplicates and requests that did not contain sufficient information for consideration by the Commissioner or a delegate.*

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-313

Subject: Critical Skills List - Aged Care

Asked by: Nick McKim

Question:

When was “Aged Care” included in the “Critical Skills” list for travel exemptions by temporary visa holders stranded overseas?

a) Please provide an exact time and date.

Answer:

Since 20 March 2020 when the inwards travel restrictions were introduced, health care, including aged and disability care, have been included as critical sectors.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-314

Subject: Inward Exemptions - Aged Care

Asked by: Nick McKim

Question:

Since the inclusion of “Aged Care” under the “Critical Skills” list, how many people with confirmed employment in the Aged Care sector have applied for “inwards” travel exemptions?

- a) How many have been approved?
- b) How many have been rejected?

Answer:

Since 20 March 2020 when the inwards travel restrictions were introduced, health care, including aged and disability care, have been included as critical sectors.

It is not possible to provide this data without undertaking examination of individual requests which would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-315

Subject: Inward Exemptions - Physiotherapists

Asked by: Nick McKim

Question:

Since the commencement of the new online exemption system in early August 2020, how many Physiotherapists that work in the Aged Care sector have applied for “inwards” travel exemptions to return to Australia?

- a) How many have been approved?
- b) How many have been rejected?

Answer:

It is not possible to provide this data without undertaking examination of individual requests would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-316

Subject: Inward Exemptions - Nurses and Aged Care workers

Asked by: Nick McKim

Question:

Since the commencement of the new online exemption system in early August 2020, how many Nurses and Aged Care workers have applied for “inwards” travel exemptions to return to Australia?

- a) How many have been approved?
- b) How many have been rejected?

Answer:

It is not possible to provide this data without undertaking examination of individual requests would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-317

Subject: Inward Exemptions - Subclass 887 Skilled Regional Visa

Asked by: Nick McKim

Question:

Of the 22 temporary visas holders who are overseas and have received their pre-grant notifications in relation to the Skilled Regional (Permanent) (subclass 887) visa applications since 1 April 2020, how many have applied for an “Inwards” travel exemption to return to Australia since the commencement of the new online exemption system in early August 2020?

- a) How many applications have been approved?
- b) How many applications have been rejected?

Answer:

It is not possible to provide this data without undertaking examination of individual requests which would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-318

Subject: Prospective Marriage (Subclass 300) - Automatic exemption

Asked by: Nick McKim

Question:

Given the:

- significant cost of this visa (\$7,715);
- time it takes to process this visa (up to 22 months);
- expiry date of this visa of 9 months from the date of grant; and
- very low numbers of travel exemption requests received by holders of this visa class

Why haven't Prospective Marriage (Subclass 300) visa holders been given an automatic exemption from the travel ban, like other partner visa classes or holders of Business Innovation and Investment (subclass 188) visas?

Answer:

See response in CV19-283.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-319

Subject: Exemption Requests - Prospective Marriage (Subclass 300)

Asked by: Nick McKim

Question:

Of the 103 travel exemption requests received from Prospective Marriage (Subclass 300) visa holders between 1 and 20 August 2020, how many applications have been “approved” and how many have been “rejected”?

Answer:

Of the 103 travel exemption requests received from Prospective Marriage (Subclass 300) visa holders between 1 and 20 August 2020:

- a) 9 requests were approved
- b) 89 requests were refused
- c) 5 requests were otherwise finalised (withdrawn or duplicate cases).

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-320

Subject: Separated Families - Reuniting

Asked by: Nick McKim

Question:

When will families, where a child has been separated from one of their parents, be allowed to return to their immediate family in Australia?

Answer:

Immediate family members of Australian Citizens, Permanent Residents and usually resident New Zealand Citizens are exempt from inwards travel restrictions.

The Department utilises a range of strategies to manage programs and services, and make decisions in relation to children. These strategies are informed by Australia's domestic legal framework, including relevant state and territory legislation, as well as Australia's international obligations under the United Nation's Convention on the Rights of the Child.

Practice has been to approve travel by a parent or legal guardian (including temporary visa holders) of a minor, who is lawfully present and was usually resident in Australia before the commencement of travel restrictions.

Australia's travel restrictions are subject to the advice of the Australian Health Protection Principal Committee (AHPPC) and are regularly reviewed.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-321

Subject: Exemptions - Compelling and compassionate

Asked by: Nick McKim

Question:

Given exemptions are being rejected for parents to reunite with their children on compelling and compassionate grounds, what criteria are you using to determine that reuniting a family whereby a child has been separated from one of their parents is not “compelling and compassionate”?

Answer:

Each application for a travel restriction exemption, including on compelling or compassionate grounds, is considered with a view to individual circumstances on a case by case basis. The separation of families is considered, including the best interests of minor children.

A range of matters are considered in determining if the individual circumstances of an applicant are both compassionate and compelling, including Australia’s obligations to relation to the Convention on the Rights of the Child.

A parent or legal guardian of a minor, who is lawfully present and was usually resident in Australia before the commencement of the travel restrictions, are generally approved for travel to Australia.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-322

Subject: Inward Exemptions - Separated families

Asked by: Nick McKim

Question:

Since the commencement of the new online exemption system in early August 2020, how many separated families (where a young child has been separated from one of their parents) have applied for an “inwards” travel exemption?

- a. How many of these applications have been approved?
- b. How many applications have been rejected?

Answer:

It is not possible to provide this data without undertaking examination of individual requests which would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-323

Subject: Inward Exemptions - Assistance for failed referrals

Asked by: Nick McKim

Question:

For rejected applications that fail to be referred to a delegate or the Commissioner, what assistance is Home Affairs/ABF giving to people to assist them with their next application?

Answer:

The Department of Home Affairs and the ABF provides information on its website and through its Service Centre about the supporting documentation that should be supplied with a request.

Applicants are advised that they can make a further request, and, where appropriate, provide additional information with any subsequent application.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-324

Subject: Inward Exemptions - Temporary Visa Holders

Asked by: Nick McKim

Question:

Since the commencement of the new online exemption system in early August 2020, how many “inwards” travel exemption requests have been received from temporary visa holders that were already living in Australia before the travel ban began?

- a) How many of these applications have been approved?
- b) How many of these applications have been rejected?

Answer:

It is not possible to provide this data without undertaking examination of individual requests which would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-325

Subject: Inward Exemptions - Breakdown by Category

Asked by: Nick McKim

Question:

Since the new online exemption system commenced in early August 2020, can you provide a breakdown by category of applications received, “approved” and “rejected”?

Answer:

From 1–31 August 2020, 22,071 inwards travel exemption requests were received for travel exemptions to Australia.

CATEGORIES	APPROVED*	REFUSED*
Compassionate	823	4,155
Critical Skill - Medical	315	18
Critical Skill - Other	2,311	194
National interest	119	<5
Medevac Patients	51	6
Total	3,619	4,374

* Does not include persons found to meet an exempt category, requests that were withdrawn, or requests that did not contain sufficient information for referral to the Commissioner or a decision maker.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-326

Subject: Inward Exemptions - Passport Nationality

Asked by: Nick McKim

Question:

How many “inwards” travel exemptions were “approved” and “rejected” by Passport Nationality since the new online exemption system commenced in early August 2020?

Answer:

Inwards exemption decisions made by the ABF Commissioner or decision makers between 1–31 August 2020, by top 10 passport nationalities and determination outcome.

Passport country	Exempt	Not Exempt
India	245	1,286
United Kingdom	583	321
United States of America	357	297
New Zealand	355	169
China	165	254
South Africa	162	88
Pakistan	33	204
Ireland	185	23
Canada	88	117
France	132	46
<i>Other</i>	<i>1,314</i>	<i>1,569</i>
Total	3,619	4,374

* Does not include persons found to meet an exempt category, requests that were withdrawn, or requests that did not contain sufficient information for referral to a decision maker.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-327

Subject: Inward Exemption Applications

Asked by: Nick McKim

Question:

How many “inwards” exemption applications have been received since the commencement of the new online exemption system in early August 2020?

- a) How many of these applications have been approved?
- b) How many of these applications have been rejected?

Answer:

From 1–31 August 2020, 22,071 inwards exemption requests have been received. Of these during this period:

- a) 3,269* were approved
- b) 4,844* were refused

* Figures do not include requests from those meeting an exempt category, withdrawn requests, or requests that did not contain sufficient information for referral to a decision maker

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-328

Subject: Separated Partners - Return to Australia

Asked by: Nick McKim

Question:

When will families, where partners have been separated by the travel ban, be allowed to return to their immediate family in Australia?

Answer:

Immediate family members of Australian Citizens, Permanent Residents and usually resident New Zealand Citizens are exempt from inwards travel restrictions.

Australia's travel restrictions are subject to the advice of the Australian Health Protection Principal Committee (AHPCC) and are regularly reviewed.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-329

Subject: Separated Partners - Compelling and compassionate criteria

Asked by: Nick McKim

Question:

Given exemptions are being rejected for people to reunite with their partners on compelling and compassionate grounds, what criteria are you using to determine that reuniting a family where partners have been separated by the travel ban are not considered “compelling and compassionate”?

Answer:

Immediate family members of Australian Citizens, Permanent Residents and usually resident New Zealand Citizens are exempt from inwards travel restrictions.

Claims for compelling and compassionate circumstances are considered on a case-by-case basis. Some circumstances that are considered to be prima-facie compelling and compassionate are set out in guidelines to decision makers. See <https://covid19.homeaffairs.gov.au/travel-restrictions-0>.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-330

Subject: Exemptions Approved Categories

Asked by: Nick McKim

Question:

What percentage of exemptions to reunite families have been approved under:

- a. The “critical skills” category?
- b. The “compelling and compassionate” category?

Answer:

It is not possible to provide this data without undertaking examination of individual requests which would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-331

Subject: Inward Exemptions - Partners Separated

Asked by: Nick McKim

Question:

Since the commencement of the new online exemption system in early August 2020, how many separated families whereby partners (both married and De Facto) that have been separated by the travel ban have applied for an “inwards” travel exemption?

- a. How many of these applications have been approved?
- b. How many applications have been rejected?

Answer:

It is not possible to provide this data without undertaking examination of individual requests which would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRYWRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-343

Subject: Inward Exemptions - Expired Bridging Visa B

Asked by: Nick McKim

Question:

Since the commencement of the new online exemption system in early August 2020, how many people on expired Bridging Visa Bs have applied for travel exemptions to return to Australia?

- a) How many have been “approved”?
- b) How many have been “rejected”?

Answer:

1. Between 1 and 31 August 2020, 264 travel exemption requests have been received from Bridging Visa B holders. Of these during this period:
 - a. 15 were approved
 - b. 61 were refused

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PARLIAMENTARY INQUIRYWRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-344

Subject: Legal Advice - Separated families

Asked by: Nick McKim

Question:

Have you sought legal advice as to whether this forced separation (where a child has been separated from one of their parents) may be in breach of Section 9 of the UN Convention on the Rights of the Child, which states:

Children should not be separated from their parents unless it is for their own good. For example, if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might harm the child.

Answer:

See response to CV19-291.

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PARLIAMENTARY INQUIRYWRITTEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-345

Subject: Health Advice - Separated families

Asked by: Nick McKim

Question:

Have you sought Health Advice on the long-term implications of forcibly separating young children from one of their parents?

Answer:

See response to CV19-292.