



COMMITTEE IN-CONFIDENCE

OSEC 1795

Senator Louise Pratt  
Chair  
Senate Legal and Constitutional Affairs References Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Chair,

This letter is further to our appearance on Wednesday 5 September 2018 at the *Inquiry into allegations concerning the inappropriate exercise of ministerial powers, with respect to the visa status of au pairs, and related matters*.

We undertook to provide you a confidential response, on notice, in relation to the basis on which Australian Border Force (ABF) and Departmental officers formed suspicion resulting in grounds for cancellation being enlivened in the two cases of focus in the Inquiry.

In both cases the individuals arrived in Australia as holders of an eVisitor visa. This is a type of Tourist visa and, as such, does not allow the visa holder to work while in Australia. Under Regulation 1.03 of the Migration Regulations 1994, work means an activity that, in Australia, normally attracts remuneration.

In both cases the individuals were selected for further assessment during the border clearance process. In the first case (Brisbane, 17 June 2015), the visa holder was selected by an officer to check bona fides. In the second case (Adelaide, 1 November 2015), the visa holder was targeted through pre-arrival screening [REDACTED]

During the secondary assessment stage, ABF and Departmental officers considered information obtained through interviews with the visa holders, [REDACTED]

[REDACTED] It was assessed that information at hand indicated that the visa holders intended to work while in Australia, which was inconsistent with the requirements of the type of visa they held.

With respect to the Brisbane case, officers identified information [REDACTED], which made direct references to working as an 'au pair' for a host family and willingness to occasionally babysit for cash for friends.

In the Adelaide case, [REDACTED] indicated that the individual would on occasion be caring for children, cooking and looking after horses in exchange for food, accommodation and the use of a car with a host family. [REDACTED] for three months whilst on Working Holiday visas in 2012 and 2013 [REDACTED]

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Both individuals were provided the opportunity to respond to the reasons the respective officers were considering visa cancellation and the evidence to support this consideration.

In making a decision to cancel the visas, the respective officers weighed up the evidence before them and the visa holders' responses and were satisfied that the visas should be cancelled.

We trust that this provides the Committee the details sought in yesterday's Inquiry.

Yours sincerely

**Michael Pezzullo**  
Secretary  
Department of Home Affairs  
7 September 2018

**Michael Outram APM**  
Commissioner  
Australian Border Force  
7 September 2018