

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-270

Subject: Medical Advice - Risks

Asked by: Nick McKim

Question:

Has the Department/ABF sought advice from the Department of Health/Chief Medical Officer on the coronavirus risks of allowing international students to arrive in Australia compared to reuniting families on other temporary visas who have lived in Australia for many years, often on pathways to permanent residency?

(a) If not, why not?

(b) If so, what was the advice?

Answer:

State and territory governments are leading the student return pilots. Pilots are to comply with advice informed by the Australian Health Protection Principal Committee to manage health risks. Pilots are approved by each state or territory's First Minister and Chief Health Officer, who are best placed to understand the capacity of their health and quarantine systems.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-271

Subject: Medical Advice - Immigration detention centres

Asked by: Nick McKim

Question:

Has the Department/ABF sought and/or received advice from an infectious diseases expert/medical expert about the risks of spreading COVID-19 and exposing people through flying staff and people from detention between states as they are proposing to do?

- a) If not, why not?
- b) If so, what was the advice?

Answer:

Yes, the Department of Home Affairs sought advice from an expert epidemiological medical practitioner, and an infectious diseases and clinical microbiologist.

- a) Not applicable
- b) Advice on the risk of an individual becoming infected with COVID-19, in the above circumstances, is the product of numerous factors. The risk is calculated by considering:
 - the risk during transit to the airport;
 - passage through the terminal and boarding;
 - a passenger on the plane being infectious with the virus; and,
 - the risk that an individual could contract the virus from an infectious person on the plane.

The advice noted the risk of an individual staying in a hotspot contracting COVID-19 would be higher than the risks associated with travelling to a non-hotspot location on a chartered flight or commercial flight.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-272

Subject: Outbound Exemptions - Long-Distance Partners

Asked by: Nick McKim

Question:

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:

The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer to this question would involve an unreasonable diversion of resources.

**HOME AFFAIRS PORTFOLIO
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-273

Subject: Outbound Exemptions - Critically ill family

Asked by: Nick McKim

Question:

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?
- d) How many applicants have been denied permission to leave Australia to be with dying grandparents?

Answer:

- a) b) and d) The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer to this question would involve an unreasonable diversion of resources.
- c) Close family members are parents, children, siblings or partner.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-274

Subject: Outbound Exemptions - Countries of successful applications

Asked by: Nick McKim

Question:

Please provide a list of destination countries for successful applications to depart Australia between 1 April and 31 July 2020, with the number of successful applications for each individual country indicated.

Answer:

The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer to this question would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-275

Subject: Outbound Exemptions - Destination countries

Asked by: Nick McKim

Question:

Please provide a list of destination countries for applications to depart Australia between 1 April and 31 July 2020, with the number of applications for each individual country indicated.

Answer:

The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer to this question would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-276

Subject: Outbound Exemptions - Permanent residents

Asked by: Nick McKim

Question:

How many Australian permanent residents were granted permission to depart Australia between 1 April and 31 July 2020, and how many applications were made in total?

Answer:

Between 25 March and 31 July 2020, 91,956 requests for travel exemptions were received from Australian citizens or Permanent Residents seeking to depart Australia. A request may cover more than one person. Australian citizens and Permanent Residents are not separately recorded. The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer for data from 1 April would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-277

Subject: Outbound Exemptions - Australian citizens

Asked by: Nick McKim

Question:

How many Australian citizens were granted permission to depart Australia between 1 April and 31 July 2020, and how many applications were made in total?

Answer:

Between 25 March and 31 July 2020, 91,956 requests for travel exemptions were received from Australian citizens or Permanent Residents seeking to depart Australia. A request may cover more than one person. Australian citizens and Permanent Residents are not separately recorded. The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer for data from 1 April would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-278

Subject: Subclass 887 Skilled Regional Visa - Exemptions rejected

Asked by: Nick McKim

Question:

How many exemptions have you “rejected” for this group of people?

Answer:

The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer to this question would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-279

Subject: Subclass 887 Skilled Regional Visa - Exemptions granted

Asked by: Nick McKim

Question:

Have you granted any exemptions to people overseas that have received their pre-grant notification for the 887 visa?

Answer:

The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer to this question would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-280

Subject: Subclass 887 Skilled Regional Visa - pre-grant notification

Asked by: Nick McKim

Question:

How many temporary visa holders that are overseas have received a pre-grant notification for their Subclass 887 Skilled Regional Visa for Permanent Residency?

Answer:

Since 1 April 2020, **22** temporary visa holders who are overseas have received pre-grant notifications in relation to their Skilled Regional (Permanent) (subclass 887) visa applications.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-281

Subject: Provisional Marriage Visa - Must enter before

Asked by: Nick McKim

Question:

Given the significant cost and time it takes to process this Visa, will you extend the “must enter before” date on this visa class to account for the border closure?

Answer:

The first entry date set for the Prospective Marriage (subclass 300) visa is the same as the visa validity (expiry) date, which is nine months from date of grant. There is no provision in migration legislation to change the validity date of a visa after it has been granted.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-282

Subject: Update to Website - Provisional Marriage Visa

Asked by: Nick McKim

Question:

When did the Government update the Home Affairs website advising that the PMV class was not allowed to enter Australia?

a) What date and time?

Answer:

At 5.53pm on 17 February 2020, the Department of Home Affairs published a fact sheet on its website titled “Novel Coronavirus – Information for immediate family members of Australian citizens and permanent residents”, which included the following Q&A:

I am the fiancé of an Australian citizen or permanent resident.

Fiancés are not yet immediate family members. If you hold a Prospective Marriage (Subclass 300) visa, you can travel to Australia once travel restrictions are lifted.

Current advice can be accessed through the following link:

<https://covid19.homeaffairs.gov.au/immediate-family-australian-citizen-or-permanent-resident>.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-283

Subject: Provisional Marriage Visa - Applied for exemption

Asked by: Nick McKim

Question:

1. How many Provisional Marriage (Subclass 300) visa holders have applied for an exemption to enter Australia?
2. Why has the Government chosen to block this partner visa class from entering Australia to marry their Australian partners?

Answer:

1. Between 1 and 20 August 2020, 103 travel exemption requests were received from Prospective Marriage (Subclass 300) visa holders. The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer prior to the period of 1 August 2020 would involve an unreasonable diversion of resources.
2. Australia's travel restrictions do not apply to immediate family members of Australian citizens, Australian permanent residents, and New Zealand citizens usually resident in Australia. This includes, spouses, de facto partners, dependent children and legal guardians.

Holders of Prospective Marriage (Subclass 300) visas are not necessarily deemed immediate family members and their requests are considered on a case by case basis. A person's intention to marry their fiancé is not sufficient, in and of itself, to satisfy the definition of de facto partner.

A Provisional Partner (Subclass 309) visa holder has been assessed as meeting the definition of spouse or de facto partner as part of the visa application process and is therefore considered immediate family for the purposes of an inward travel exemption.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-284

Subject: Approved Inward Travel Exemption Errors

Asked by: Nick McKim

Question:

How many applicants have been granted an “approved” inwards travel exemption by the ABF, only to have their exemption revoked minutes later?

- a) How did this happen?
- b) Has the error been fixed?

Answer:

The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer to this question would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-285

Subject: Inwards Exemptions - Waiting for new visa

Asked by: Nick McKim

Question:

Can people still apply for “inwards” travel exemptions, while waiting for their new visas to be processed?

Answer:

Yes.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-286

Subject: Expired Bridging Visa B - Applications for new visa

Asked by: Nick McKim

Question:

For people on an expired Bridging Visa B – how many have applied for a new visa?

- a. For those that have applied - how many visas have been approved?
- b. How many visas have been rejected?
 - i. If rejected, on what grounds were they rejected?
- c. What is the average processing time for these visa applications?
- d. Given that many people in this group already have their families, homes, jobs and lives in Australia – are these new visa applications being prioritised over visa applications for first-time entrants to Australia?

Answer:

Between 1 June and 31 July 2020, 139 people with an expired Bridging B visa (BVB), who were located outside Australia, applied for a new visa. Of these:

- a. 35 visas have been granted.
- b. 12 visa applications have been refused.
 - i. A visa application is refused if the applicant does not meet the criteria in the *Migration Regulations 1994*. Reporting on the grounds for refusal for those who previously held a BVB, and subsequently applied for another substantive visa, is not available, because the relevant criteria vary, depending on the visa subclass the person applied for.
- c. The Department publishes global visa processing times for most visa subclasses, which are updated monthly. As people who previously held a BVB have subsequently applied for a range of visa subclasses, each with different processing times, an average processing time for the applications amongst this cohort is not available.

- d. COVID-19 has had considerable impact on visa demand and processing across all visa types. The Department's focus has been on supporting the national response to, and recovery from, COVID-19, including:
- prioritising visas for those with an urgent need to travel, including for immediate family members of Australian citizens and permanent residents;
 - non-citizens with compelling and compassionate circumstances;
 - 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 maintain the supply of essential goods and services; and
 - allowing entry to individuals delivering services in sectors critical to Australia's economic recovery, where no Australian worker is available, or whose entry would otherwise be in Australia's national interest.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-287

Subject: Expired Bridging Visa B - Outside of Australia

Asked by: Nick McKim

Question:

Of the 5,278 people outside of Australia on a Bridging Visa B – how many people are overseas on an Expired Bridging Visa B?

Answer:

From 1 June 2020 to 31 July 2020, 1,027 Bridging B visas ceased while the visa holder was overseas.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-288

Subject: Criteria for 'Compelling and Compassionate'

Asked by: Nick McKim

Question:

1. What criteria are you using to determine that reuniting a family is not “compelling and compassionate”?
2. What is your plan for these families?
 - a. When will these families be reunited in their Australian homes?

Answer:

1. 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.
2. 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 Nations’ 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 travel restrictions.

- a) The Government’s response to COVID-19 has, from the outset, been guided by medical advice from the Australian Health Protection Principal Committee.

Travel restrictions are temporary, and subject to review.

Decisions to remove restrictions on travel will similarly be made in light of medical advice and the interests of protecting the health of Australians.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-289

Subject: Travel Exemptions - Percentage

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:

The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer to this question would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-290

Subject: Inwards Travel Exemptions - Separated partners, husbands and wives

Asked by: Nick McKim

Question:

How many separated families (where partners, husbands and wives are separated from each other have applied for an “inwards” travel exemption?

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

Answer:

The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer to this question would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-291

Subject: Separated Families - Legal advice

Asked by: Nick McKim

Question:

Have you sought legal advice as to whether this forced separation 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:

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 Nations' 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 travel restrictions.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-292

Subject: Separated Families - Health advice

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:

The Department of Home Affairs 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 Nations' 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 travel restrictions.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-293

Subject: Inward Travel Exemptions - separated families

Asked by: Nick McKim

Question:

How many separated families (where a young child has been separated from a parent) have applied for an “inwards” travel exemption?

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

Answer:

The travel restrictions exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual applications. Answering this question would involve an unreasonable diversion of resources.

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 Nations’ 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 travel restrictions.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-294

Subject: Temporary Visa Holders

Asked by: Nick McKim

Question:

When will you allow temporary visa holders that already have their homes, jobs, lives and families in Australia to return home?

Answer:

The Government's response to COVID-19 has, from the outset, been guided by medical advice from the Australian Health Protection Principal Committee.

Travel restrictions are temporary, and subject to review.

Decisions to remove restrictions on travel will similarly be made in light of medical advice and the interests of protecting the health of Australians.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-295

Subject: Threshold for referral

Asked by: Nick McKim

Question:

What is the Threshold for Referral to the Commissioner/Delegate?

a) If people fail to be referred, what assistance is Home Affairs/ABF giving to them to assist in their next application?

Answer:

Individual requests for inwards travel restriction exemptions that do not provide sufficient information for a decision to be made will not be referred to the Australian Border Force Commissioner or an authorised decision maker.

The application is refused and the applicant advised that they can make a further request, and to provide additional information to support their claims. The Department of Home Affairs also provides information on its website and through its service center about the types of evidence that should be supplied.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-296

Subject: Total inward exemption applications by country

Asked by: Nick McKim

Question:

Can you provide a breakdown of total applications for “inwards” travel exemptions, approvals and rejections by country from where the application is made from?

Answer:

Top 10 passport nationalities for inwards requests received 1–20 August 2020

Nationality	Received*	Approved**	Refused**
India	2,531	135	694
United Kingdom	1,417	471	194
New Zealand	1,398	286	130
United States	1,366	296	193
China	836	98	167
Philippines	392	33	56
Canada	390	64	83
South Africa	380	120	48
Pakistan	369	10	120
Germany	331	68	38
Other	5,048	1,076	941
Total	14,458	2,657	2,664

* Includes requests from individuals in exempt cohorts

** Does not include requests that were not finalised in the reporting period, persons who were 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 delegate.

The travel ban exemptions process was managed from February to July using an email based system. It is not possible to provide disaggregated data without undertaking examination of individual email messages. Collating an answer to this question would involve an unreasonable diversion of resources.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-297

Subject: Total inward exemption applications

Asked by: Nick McKim

Question:

Can you provide updated numbers on total “inwards” exemption applications, as well as “approved” and “rejected” applications?

Answer:

From 20 March to 20 August 2020, inclusive:

Inward travel exemption requests received*

102,130

** There is no limit to the number of requests a person may submit and a request may include more than one person;*

Inward travel exemption decisions from ABF Commissioner or his delegates*

Approved	Refused
15,801	4,209

** Does not include persons who were 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. This data has been drawn manually from multiple systems.*

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-298

Subject: Inbound exemptions - remaining applications

Asked by: Nick McKim

Question:

From 20 March to 3 June 2020, the Department of Home Affairs stated that it has received 40,147 requests for exemption from Australia's travel restrictions from persons seeking to enter Australia, and that it approved 8,095 applications and rejected 333 applications. What happened to the remaining 31,719 applications that weren't "approved" or "rejected" by the Commissioner?

Answer:

The remaining 31,719 exemption requests were requests otherwise finalised or remained open at 3 June 2020. 'Otherwise finalised' includes requests found to meet an exempt category, such as an immediate family member of an Australian citizen or permanent resident, requests that were withdrawn, duplicate requests, or requests that did not contain sufficient information for referral to the Commissioner.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-299

Subject: Christmas Island - Ceased operation

Asked by: Kristina Keneally

Question:

When did the Christmas Island Detention Centre cease operation in 2018?

Answer:

Operations at North West Point Immigration Detention Centre ceased when the facility was placed into a state of hot contingency on 1 October 2018.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-300

Subject: Christmas Island - Total annual figure

Asked by: Kristina Keneally

Question:

Please provide a total annual figure, and a breakdown of the various costs, including contractors and other related costs, associated with the Centre's operation.

Answer:

Please refer to CV19-301.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-301

Subject: Christmas Island - Costs

Asked by: Kristina Keneally

Question:

Please provide a breakdown of Department of Home Affairs costs for the operation of the Christmas Island Detention Centre for the following financial years:

- a. 2018/19
- b. 2019/20
- c. 2020/21

Answer:

The Department has recognised total annual operating expenditure of \$63.1 million in 2018-19, \$62.9 million in 2019-20, and \$2.8 million in 2020-21 (1 July – 31 July 2020) associated with the operation of the Christmas Island Detention Centre.