

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-378

Subject: Bridging Visa B Holders

Asked by: Nick McKim

Question:

Senator McKIM: Yes, I do. I just want to ask the commissioner—or Mr Pezzullo, if he wishes to take this— what the department's plan is for people who are overseas who have an expired bridging visa B. As you'd know, a bridging visa B would allow someone to lawfully stay in Australia until a substantive visa application is finally determined. There are at least 139 people stranded overseas on expired bridging visa Bs. Do you have any intention of changing the policy to allow either for an automatic extension of a bridging visa B or for someone to reapply for a bridging visa B from overseas?

Mr Pezzullo: Senator, given that there are a number of specific cases, and each of the cases will have their own merits and details attached to them, I think I'd prefer to take that on notice, other than to say: I don't want to have it implied or inferred that there is a general policy either way. The practice has certainly been to roll over bridging visas. I think the category that you're referring to relates to persons who are offshore, I think I heard you say.

Senator McKIM: There are some of these people who are currently stranded overseas because they cannot get permission to return to Australia.

Mr Pezzullo: Yes, I see. I'll take that on notice. I'll look at the group—I think you said there's something like 130 known to you—and just see what the practice has been in terms of applying the Migration Act as it stands. But, typically, certainly in the early and middle course of the pandemic as it's transpired thus far, the practice had been to roll over the bridging periods. But I'll take a look at those and come back on notice

Answer:

In accordance with regulation 020.511 of the *Migration Regulations 1994*, there are a number of circumstances that will cease a Bridging B visa (BVB). These include, for example, the person's substantive visa application being finally determined.

In accordance with section 82(5) of the *Migration Act 1958*, a BVB will cease to be in effect when the travel facility on that visa ends, unless the visa holder is in Australia at the time. There is no provision to extend the travel facility period once it is granted or after the visa period ends.

Therefore, if a BVB holder is outside Australia when their visa ceases to be in effect, they would need to apply for and be granted another visa in order to re-enter Australia.

Information about Australia's border measures, including a link to the Departmental website, is included in the BVB Grant Notice.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee COVID-19

QoN Number: CV19-383

Subject: Business Innovation and Investment Visa

Asked by: Kristina Keneally

Question:

Senator KENEALLY: Just to go back to the question I asked earlier regarding the business innovation and investment visa, just to be clear: the exempt categories for people who can enter Australia without obtaining an individual exemption includes the business innovation and investment subclass 188 visa.

Mr Outram: That's correct.

Senator KENEALLY: When did that change come into place?

Mr Outram: I'd have to check. As you say, they don't require an ABF exemption;

they're exempt by policy. Senator KENEALLY: Yes, they're exempt by policy. When was that policy change made?

Mr Outram: I'll take that on notice.

Senator KENEALLY: Has it been in place since the beginning of the pandemic or is it a more-recent change. Mr Pezzullo: It's not recent, but we'll have to see how far back it goes.

Senator KENEALLY: This month, last month, March?

Mr Pezzullo: We'll take it on notice.

Mr Outram: We'll take it on notice, Senator.

Senator KENEALLY: There's nobody here who knows? I asked about it earlier, Mr Pezzullo.

Mr Pezzullo: You did, and we found it in the document. Now you're asking about its genealogy, when it came in.

Senator KENEALLY: It appeared on the Department of Home Affairs website on 19 September, which I think is pretty recent.

Mr Pezzullo: That is very recent, but whether it was an operative piece of guidance from the commissioner prior to that we'll need to go back over the document.

Senator KENEALLY: So you're saying the commissioner had guidance that wasn't on the website?

Mr Outram: Yes. Some guidance was internal and so we then published, as Senator McKim canvassed recently, some—

Senator KENEALLY: Wait. Are you saying that there are people who don't need to get an individual exemption that haven't been on the website but you've been granting them?

Mr Outram: I'll take it on notice. All I'm saying is that we provided a lot more

information on our website over recent months. I'll take on notice the time when policies were changed and the time things were put on the website.

Answer:

1. On 31 August 2020, the Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs signed a Direction under Section 499 of the *Migration Act 1958* prioritising the processing of Business Innovation and Investment Program (BIIP) visa subclasses. With the exception of BIIP (subclass 188) visa, all other BIIP visas are permanent visas and as such were already exempt from travel restrictions.
2. The Department's website was updated to include subclass 188 as exempt on 2 September 2020.