



# The efficacy, fairness, timeliness & costs of the processing & granting of visa classes

## CPSU SUBMISSION

29 APRIL 2021

Dear Committee Secretary

### **Inquiry into the efficacy, fairness, timeliness and costs of the processing and granting of visa classes which provide for or allow for family and partner reunions**

As the union representing staff in the Department of Home Affairs, the Community and Public Sector Union (CPSU) welcomes the opportunity to make a submission to this inquiry into the efficacy, fairness, timeliness and costs of the processing and granting of visa classes which provide for or allow for family and partner reunions.

Our members have significant concerns about the growing waiting times for the processing and integrity checking of applications for relevant visas, waiting times for the granting of relevant visas and the cost of applying for relevant visas.

Workload pressures continue to be an issue within the Department. 2020 APS Census results showed over half (54%) describing their current workload as well above capacity or slightly above capacity.<sup>1</sup> Prior to the COVID-19 pandemic, only a third (32%) said they rarely or never had unrealistic time pressures.<sup>2</sup> But rather than investing in more permanent APS staff and resources to reduce waiting and processing times for visas, blowouts have been used to justify previous attempts to privatise the visa processing system.<sup>3</sup>

The Average Staffing Level (ASL) cap has been a major factor preventing the Department from hiring more staff, leading to 1,253 or 8% of the total workforce being contractors and a spend

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<sup>1</sup> 2020 APS Employee Census – Department of Home Affairs Highlights Report (2021). Retrieved from <https://www.homeaffairs.gov.au/reports-and-publications/reports/corporate-plans-and-reports/aps-employee-census>

<sup>2</sup> 2019 APS Employee Census – Department of Home Affairs Highlights Report (2020). Retrieved from <https://www.homeaffairs.gov.au/reports-and-publications/reports/corporate-plans-and-reports/aps-employee-census>

<sup>3</sup> Doug Dingwall (12 July 2017) Immigration Department moves to outsource visa system to avoid cost blow-outs. Canberra Times. Retrieved from <http://www.canberratimes.com.au/national/public-service/immigration-department-moves-to-outsource-visa-system-to-avoid-cost-blowouts-20170712-gx9mo2.html>

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of \$356m in 2019-20.<sup>4</sup> This is despite the Department not having not done any specific analysis of contractor engagement costs compared to APS employee engagement costs.<sup>5</sup>

The CPSU notes that former Deputy Secretary of the Department of Immigration, Abul Rizvi, also cited the ASL cap as one of the drivers of massive visa application backlogs and processing time blow-outs.<sup>6</sup> The Department has also previously raised concerns about the ASL cap and asked for greater discretion.<sup>7</sup>

Members commented that the existing cap and the cost of visas continue to increase and prevent family reunions. The most recent regulations capped the maximum number of parent visas at 1,275 and contributory parent visas at 6,096 in 2019-20.<sup>8</sup>

Those from lower socio-economic backgrounds, especially refugees, are particularly disadvantaged by the current system. A non-contributory parental visa starts from \$6,415,<sup>9</sup> but any new parent and aged parent visa applications lodged that meet the criteria to be queued are likely to take approximately 30 years for final processing.<sup>10</sup> For other remaining relative and aged dependent relatives, it is approximately 50 years.<sup>11</sup>

While the cost of a contributory parent visa starts at \$47,775, it is often significantly more.<sup>12</sup> An example cited by a member was an individual having to spend over \$70,000 to complete the process (including fees for medical examinations, police clearances, migration agent fees). The example was from over five years ago, meaning the cost would be far more now.

The CPSU acknowledges the high cost of visa application charges in the contributory visa stream is designed to offset the potential costs to the Australian community that may arise

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<sup>4</sup> Answer to Question on Notice reference number BE20-390 (16 December 2020), Senate Legal and Constitutional Affairs Legislation Committee, Home Affairs Portfolio, Budget Estimates – 9 November 2020

<sup>5</sup> Answer to Question on Notice reference number BE20-391 (16 December 2020), Senate Legal and Constitutional Affairs Legislation Committee, Home Affairs Portfolio, Budget Estimates – 9 November 2020

<sup>6</sup> Abul Rizvi (2019). Submission to Legal and Constitutional Affairs References Committee inquiry into the impact of changes to service delivery models on the administration and running of Government programs – the privatisation of Australia’s visa and citizenship program

<sup>7</sup> Department of Home Affairs (July 2018). Submission into the Independent Review of the Australian Public Service. Retrieved from <https://www.apsreview.gov.au/your-ideas/submissions/department-home-affairs>

<sup>8</sup> Commonwealth of Australia (19 November 2019). Migration (LIN 19/131: Granting of Contributory Parent Visas, Parent Visas and Other Family Visas in the 2019/2020 Financial Year) Instrument 2019. Retrieved from <https://www.legislation.gov.au/Details/F2019L01496>

<sup>9</sup> Department of Home Affairs (24 March 2021). Parent visa. Retrieved from <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/parent-103>

<sup>10</sup> Department of Home Affairs (19 February 2021). Parent visas - queue release dates and processing times. Retrieved from <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/family-visa-processing-priorities/parent-visas-queue-release-dates>

<sup>11</sup> Department of Home Affairs (19 February 2021). Other Family visas - queue release dates and processing times. Retrieved from <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/family-visa-processing-priorities/other-family-visas-queue-release-dates>

<sup>12</sup> Department of Home Affairs (24 March 2021). Contributory Parent visa. Retrieved from <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/contributory-parent-143>

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from the use of health and social welfare services onshore, however, this is a disincentive to individual applicants.

Given that visa application fees operate under tax legislation, fees can be set well above cost recovery, with revenue directed to the Consolidated Revenue Fund. It has resulted in visa fee increases that have increasingly outstripped resources allocated to visa processing.<sup>13</sup>

The CPSU recommends that the Government:

- lifts the ASL cap for the Department of Home Affairs to ensure more timely and efficient decisions.
- increases the maximum number of visas to speed up processing to allow family and partner reunions.
- reviews the cost involved in processing these visas to better reflect the application fee.
- introduce a family reunion visa for refugees. This visa should be significantly less costly than the current parent visa. This will not only address inequities and hardship experienced by refugees but will also reduce the 'pull factor' of irregular migration.

The CPSU is happy to provide information on the matters raised in this submission and supplementary information on other relevant issues.

Yours sincerely

Brooke Muscat

Deputy National President

Community and Public Sector Union

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<sup>13</sup> Abul Rizvi (2019). Submission to Legal and Constitutional Affairs References Committee inquiry into the impact of changes to service delivery models on the administration and running of Government programs – the privatisation of Australia's visa and citizenship program