

The Parliament of the Commonwealth of Australia

JOINT STANDING COMMITTEE ON MIGRATION

**INQUIRY INTO
AUSTRALIA'S VISA SYSTEM FOR VISITORS**

ISSUES PAPER

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TERMS OF REFERENCE

To inquire into and report on the operation of Australia's visa system for visitors, with particular reference to:

- (a) the degree to which the visitor visa system meets the requirements of travel facilitation and border integrity;
- (b) the efficiency and cost effectiveness of the visitor visa system;
- (c) the impact of the visitor visa arrangements on Australia's bilateral relations;
- (d) possible alternatives to the visitor visa system, including the option of visa free travel or multiple entry visas;
- (e) the potential, if any, for increased illegal entry under visa free tourist travel arrangements; and
- (f) the impact on the Australian community of the present and any alternative visitor visa arrangements, with particular regard to security and criminal checking of passengers and the facilitation of overseas travel for Australians.

ABBREVIATIONS

AFP	Australian Federal Police
API	Advance Passenger Information
ATC	Australian Tourist Commission
CITA	Christmas Island Tourist Association
Committee	Joint Standing Committee on Migration
DIEA	Department of Immigration and Ethnic Affairs
LARC	Immigration Advice and Rights Centre
ITOA	Inbound Tourist Organisation of Australia
Migration Act	<i>Migration Act 1958</i>

1. Introduction

1.1 Australia's *Migration Act 1958* provides that all persons who are not Australian citizens must have a visa in order to travel to, enter into and stay in Australia. The term 'universal' visa system commonly is used to signify that the requirement to obtain a visa applies to all non-citizens, regardless of nationality.

1.2 The Joint Standing Committee on Migration (the Committee) currently is conducting an inquiry into Australia's visa system for visitors, with particular reference to:

- (a) the degree to which the visitor visa system meets the requirements of travel facilitation and border integrity;
- (b) the efficiency and cost effectiveness of the visitor visa system;
- (c) the impact of the visitor visa arrangements on Australia's bilateral relations;
- (d) possible alternatives to the visitor visa system, including the option of visa free travel or multiple entry visas;
- (e) the potential, if any, for increased illegal entry under visa free tourist travel arrangements; and
- (f) the impact on the Australian community of the present and any alternative visitor visa arrangements, with particular regard to security and criminal checking of passengers and the facilitation of overseas travel for Australians.

1.3 To date, 77 submissions have been received from a range of individuals and organisations. The submissions have been published in volumes of submissions which are available on request from the Committee secretariat. The submissions are listed at Appendix One.

1.4 In the submissions, a variety of views are canvassed. Before proceeding to public hearings, the Committee has decided to produce this issues paper in order to explore in further detail the major matters for consideration. In this issues paper, the Committee provides background information on Australia's visa arrangements and outlines the arguments which have been canvassed on the appropriateness and efficiency of the existing visitor visa system. These arguments will be tested at public hearings to be held around Australia commencing in early 1995.

1.5 The issues paper provides an opportunity for interested individuals and organisations to consider the suggestions which have been made to the Committee, and to provide comments to the Committee before it proceeds to public hearings. While many individuals and organisations already have put forward their views in submissions provided to the Committee, it is appropriate to offer further opportunity for public input and debate on this important and complex matter. It is important to note that the issues discussed in this paper reflect the information currently available to the Committee and do not represent the considered or ultimate views of the Committee, which will be contained in the final report of the inquiry.

2. Australia's visa system

2.1 There is no uniform definition of a visa as its usage and purpose may differ between countries. In some countries the visa is an authority for travel, while in others the visa may permit entry and stay in the country of issue.

2.2 Under the Migration Act, the Australian visa traditionally has been an authority for travel only. Entry permits were granted at the point of entry in Australia and set out the terms and conditions on which entry was granted, such as the period of stay and whether the holder might work or study.

2.3 Amendments to the Migration Act in 1989 provided for an entry visa. This provision sought to eliminate the need for separate visas and entry permits by combining the two authorities. This entry visa was taken in law to convert to an entry permit when the holder was permitted to enter Australia. The Migration Reform Act, which came into effect from 1 September 1994, provides for one form of authority for travel to and stay in Australia. That authority is a visa.

2.4 The Department of Immigration and Ethnic Affairs (DIEA) has stated that Australia's present visa system seeks to:

- . prevent the entry to Australia of persons who may pose some threat or harm to the Australian community;
- . support the managed intake of migrants consistent with government approved programs; and
- . manage the use of overseas skills to meet short term needs through temporary residence arrangements.

2.5 In addition to the objectives outlined above, the visa system seeks to facilitate travel by virtually guaranteeing entry to Australia to those with visas at the end of what is frequently a long and expensive journey. Persons arriving in Australia without a visa may or may not be permitted entry.

2.6 Australia's visa system impacts on Australian society and the economy in many ways, and numerous organisations have commented to the Committee on the visitor visa system. The Government's aim is to ensure that the visa system provides border integrity and minimises illegal entry while at the same time facilitating efficient travel and entry. Many submissions commented on the efficiency and efficacy of the existing visitor visa system. The industry and commerce sector is significantly affected by the way in which entry to Australia of foreign nationals is managed whether for temporary or permanent residence. The Australian tourism industry likewise has a major interest in the visitor visa system, particularly given the growth of international tourism to Australia from the mid-1980s.

2.7 The task of managing the visa system is the responsibility of DIEA through its central office and network of overseas posts. The enormity of the task has increased and the demand for visas has escalated dramatically in recent years. A further increase is expected in the lead up to the Sydney 2000 Olympic Games. The following table illustrates the growth in demand for visas, particularly for visitor visas:

Visa class	1982/83	1987/88	1992/93
Visitors	539 100	1 170 225	1 919 382
Temporary Res	51 472	95 636	74 462
Students	13 719	35 589	34 632
Migrant	67 827	105 438	53 584
Ref & Hum	17 054	10 911	10 942
Total	689 172	1 417 799	2 093 002

2.8 The previous table indicates that the total number of visas issued has increased from 689 172 in 1982-83 to 2 093 002 in 1992-93. In order to cope with this increased demand, DIEA implemented a new strategy for passenger processing in 1988. This strategy incorporated a suite of computer based systems to issue visas and to facilitate entry and exit. In addition, numerous administrative adjustments were initiated to simplify both the process of obtaining a visa and the process of entry to and exit from Australia.

2.9 The computer based capacity to move electronically visa data from overseas posts to Australia and reuse that information to streamline arrival processes for travellers has been a major success of the 1988 strategy. This has been achieved by DIEA through the development of the Travel and Immigration Processing System. This system has reduced dramatically the time taken to process travellers for entry to and exit from Australia. The entry process now takes on average only 45 seconds.

2.10 The physical process of accessing and acquiring a visa often has been criticised because of the alleged limited range of outlets for visas. In view of this, DIEA pioneered the concept of agency arrangements. In Japan, now Australia's single largest tourist market, arrangements have been in place since November 1988 whereby major travel agents have assisted with the delivery of tourist visas. The original arrangement, which is still in use, was based on the use of pre-printed visa labels and a 'silent approval'. The arrangements eliminated the need for the traveller to deal with the Australian Embassy and enabled the travel agent to deliver all of the traveller's requirements. This concept has been developed by linking some major agents to the DIEA computer at the Australian Embassy to further streamline visa issue.

2.11 Qantas agents also are used to issue visas in Birmingham, Glasgow, Los Angeles and San Francisco. In all agency arrangements, decisions remain clearly in the hands of DIEA officers. The agents provide a conduit to package applications, either manually or electronically, and to place visa labels in passports once the visa is approved. Such arrangements are not applicable to all markets, but DIEA is constantly exploring new possibilities, with expansion in the Japanese and United States markets currently under way.

2.12 An important point to remember about Australia's visa system is that all nationals entering Australia for tourism purposes are required to hold a visa. New Zealand nationals, however, are not required to apply for a visa prior to arrival. Australian authorities have access to the New Zealand passport data base which assists with the efficient processing of New Zealand nationals.

3. Overseas practice

3.1 As part of this inquiry, the Committee is considering comparative information from other countries regarding the operation of their visitor entry systems, whether they require a visa or are visa free. The Committee commissioned a research paper on the visitor entry systems of Australia's major trading partners and Australia's major sources of tourism. The countries examined included:

- . Canada
- . People's Republic of China
- . France
- . Federal Republic of Germany
- . India
- . Republic of Indonesia
- . Italy
- . Japan
- . Republic of Korea
- . Malaysia
- . New Zealand
- . Papua New Guinea

- . Singapore
- . Taiwan
- . Thailand
- . United Kingdom
- . United States of America

3.2 All of the countries in the study have a general visa requirement for temporary entry for business or tourism purposes. Many of these countries, however, also allow visa exemptions for particular national groups. Some of the findings of the study are as follows:

- . Australian travellers are permitted visa free entry by a number of countries. The period varies from five days in Taiwan to six months in Canada. Of those countries that require Australians to have a visa, France and the United States of America indicated that the requirement was due to Australia's universal visa requirement (the issue of reciprocal visas is discussed in more detail at paragraph 4.30);

- . the average processing time for tourist visa applications for countries in the study was five days or less provided the application was filled in correctly and the applicant was not from a country considered high risk; and

- . a number of countries commented that visa free travel increases tourism and trade, although no substantiating information has so far been provided supporting these views.

3.3 Some submissions to the inquiry also have commented on the entry systems of other countries, particularly that of New Zealand. In 1987, New Zealand introduced visa free travel for a selected list of countries which now number over 30. The Immigration Advice and Rights Centre (IARC) claimed that 'statistics from New Zealand reveal that since visa free travel was introduced there has been only a 1.5 percent increase in the estimated number of over-stayers from the designated countries' and tourism from these countries has increased at a steady rate of 1.3 percent 'each year since the scheme was introduced'.¹

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Evidence, p. S259 and S252.

3.4 New Zealand's entry system, however, was not favoured in all submissions. Qantas commented that, since the introduction of visa free for selected countries in 1987, passenger facilitation at points of entry has been degraded, with visitors travelling under visa free arrangements taking considerably longer to clear the primary line than those who have visas.² This issue is discussed in more detail in paragraph 6.8. Tourism Victoria suggested caution and indicated that more research is necessary on the performance of New Zealand's entry system. It stated:

Tourism Victoria appreciates that the administration of a visa system is a balancing of risks and that, although from a tourism perspective the adoption of the New Zealand model may be preferable as it removes the visa as a possible barrier to travel, this has to be balanced against the possible increase in 'unacceptable' people entering Australia.

At present there would not seem to be enough available research on the impact of the visa system to adopt the New Zealand policy and it is recommended that more research is conducted on the tourism effects of the visa system.³

3.5 **The Committee is considering the entry systems used in other countries, their performance with regard to passenger facilitation, border control, and the applicability of the system, if any, to Australia.**

4. Submissions on the existing visitor visa system

4.1 The specific focus of this inquiry concerns the present requirement that all non-citizens visiting Australia must apply for and obtain a visitor visa which permits them to travel to Australia. There is no real dispute that, whatever arrangement is adopted, on arrival non-citizens will be issued a visitor visa permitting them entry and temporary stay in Australia.

4.2 The Committee has received submissions from a wide range of organisations including Commonwealth government agencies, State governments, industry organisations, community organisations and individuals. The submissions canvass three possible outcomes for the inquiry, namely:

the abolition for all visitors of the requirement to obtain a visa before travelling to Australia; or

² Evidence, p. S303.

³ Evidence, p. S156.

- . the abolition of this requirement for nationals from selected countries; or
- . maintenance of the existing system, but with efficiency improvements.

4.3 The views in submissions supporting each of these outcomes will be discussed in Sections Five, Six and Seven of this issues paper. Many of the submissions, in proposing changes to the visa system, have discussed what are considered to be the objectives and criticisms of the present visa system. These views are explored below.

Objectives of the existing visitor visa system

4.4 In submissions, two major objectives of the existing visitor visa system are highlighted, namely that the visa system:

- . facilitates passenger processing at points of entry to Australia; and
- . supports the goal of border integrity.

4.5 The Queensland Government, in its submission to the inquiry, commented that the visitor visa system is meeting adequately the requirements of travel facilitation.⁴ This view is in part supported by Qantas, which stated:

The primary processing of non-Australian passengers is reasonably rapid (in world terms, compared with other countries requiring visas).⁵

4.6 Tourism Victoria argued that:

Another advantage is that the current visa system allows for the efficient processing of passengers at arrival points. With a visitor's identity already investigated and their details entered onto the Department of Immigration and Ethnic Affairs computer at the time the visa is issued, there is no need for extensive investigation of people as they arrive. All that is required is a check to ensure the visa and passport match the computer record and once this is established, the visitor can pass through. Perhaps due to this system Australia's passenger

⁴ Evidence, p. S278.

⁵ Evidence, p. S288.

processing times are very competitive and well below the international benchmark of 45 minutes for a passenger aircraft.⁶

4.7 Other submissions note that efficient passenger processing may be unrelated to the universal visa requirement. The Queensland Government commented that while the present visa system does facilitate passenger processing, it does not have alternative evidence to suggest that a non-visa free regime would result in longer processing times. The Queensland Government commented:

. . . the current processing time at Australian ports appears to be no quicker than at many Asian ports with visa free systems.⁷

4.8 The processing efficiency of the visa system at the point of entry is required to be contrasted with the processing times that would occur in a visa free environment. The Committee notes the views outlining the role of the visa system in passenger processing at points of entry. The Committee is interested in obtaining information on processing times in visa free countries, and the likely impact, if any, of a visa free or selected visa free environment on Australia's passenger processing at points of entry.

4.9 The Australian Federal Police (AFP) argue that the visa system is one of the most important tools for maintaining border integrity. The AFP stated:

A visa free tourist travel system would irretrievably breach the integrity of Australia's defences and would compromise national security, international obligations and law enforcement controls. Should the visa system be removed, the only opportunity to determine whether a person, for whatever reason, should be denied entry to Australia will be at the barrier. This will place increased pressure on processing staff at points of entry where neither the time or the resources will be available to carry out the necessary inquiries for the purpose of clearing/not clearing the person concerned, and the pressure of facilitation will make it far more difficult to turn persons of interest around after arrival.⁸

⁶ Evidence, p. S153.

⁷ Evidence, p. S278.

⁸ Evidence, pp. S359-S360.

4.10 The AFP indicated that the threat of organised crime, including drug trafficking, is a major international problem and effective border controls are essential in combating this problem. The AFP stated:

Organised crime, including money laundering, has become an international phenomenon. Ethnic based organised crime groups are combining resources (e.g. the Italian Mafia and South American drug cartels) to provide a major force. Australia has been able to monitor organised criminal activity through the existing visa system and if this system was withdrawn it would be extremely difficult to track movements of persons suspected of involvement in such activity.⁹

4.11 The Migration Institute of Australia and J.P. Migration Services both asserted that the visa system is effective in meeting the requirements of border integrity, including both the exclusion from Australia of persons who may pose some threat or harm to the Australian community, and support for the managed intake of migrants. There was, however, no qualitative or quantitative evidence supporting these assertions.¹⁰

4.12 Other submissions suggested that the visa system was not achieving its primary objective of ensuring border integrity. They argue that the system does not meet its objectives and simply produces problems for bona fide travellers. The Inbound Tourist Organisation of Australia (ITOA) supports this view and questions the need to:

. . . maintain an expensive and imperfect visa system, particularly when the more dangerous types that Australia would wish to exclude would have the resources and expertise to circumvent current requirements. Law enforcement and other kindred agencies should rely on other techniques besides the rather blunt visa instrument.¹¹

9 Evidence, p. S361.

10 Evidence, p. S365 and S95.

11 Evidence, p. S218.

4.13 An individual submission by Mr P. J. Nelson suggested that 'for an overseas criminal it is relatively easy to obtain the required paperwork to obtain a visa anyway'.¹² Qantas added:

The law enforcement issue is best left for the border control agencies. The question that must be asked is whether anyone with a resolution to enter Australia illegally would be prevented or only deterred by the visa system.¹³

4.14 At this point in time, the Committee has little objective evidence to indicate that the visa system is not effective in controlling border integrity. In some submissions it has been suggested that criminal elements determined to enter Australia will do so regardless of a visa system. The issue for the Committee is whether removal of the visa controls would give rise to increased dangers for the Australian community from criminal and related activity.

4.15 The Committee is not aware of any detailed research which has been done on increased levels of criminal activity or illegal entry in countries which have removed visa restrictions. The Committee is alert to the warnings of the AFP regarding the risks to the Australian community should the existing visa system be modified. During the inquiry, the Committee will be seeking to balance the need for border integrity with the need for appropriate visitor travel facilitation. The Committee will be considering available evidence from those countries which recently have revised their visa arrangements. The Committee also will be considering the unique features of travel to Australia, particularly its geographic location and the relevance this has for border control.

Criticisms of the existing visitor visa system

4.16 A number of concerns about the existing visitor visa system have been raised in submissions to the Committee. While there was a broad range of issues discussed in the submissions, there appeared to be four major criticisms. It has been suggested that the visitor visa system:

- . hinders travel to Australia;
- . is discriminatory and arbitrary because of the use of a 'risk factor' in determining eligibility for certain visitor visas;
- . results in reciprocal visa requirements by other countries, thus making travel for Australians more difficult; and

¹² Evidence, p. S1.

¹³ Evidence, p. S289.

provides no protection against criminals determined to enter Australia and persons determined to overstay their visas.

4.17 In some submissions it was reported that there were obstacles to obtaining an Australian visa which could have the result of discouraging people from travelling to Australia. ITOA commented that the obstacles to obtaining a visitor visa were many and varied, such as:

- difficulty in obtaining application forms;
- lack of adequate facilities at Australian posts overseas;
- absence of an Australian post in certain regions;
- high cost of courier facilities;
- concern about entrusting a passport to the vagaries of the postal system in certain overseas countries;
- time delays which create uncertainty as to whether a visa could be issued prior to departure in the case of impulse travel; and
- difficulty in obtaining the required supporting documentation.¹⁴

4.18 ITOA's observations are not unique and were reflected in other submissions such as those from IARC, Australian Tourist Commission (ATC) and Qantas.¹⁵ The evidence, however, is less clear on whether such obstacles discourage potential travellers from visiting Australia. The alternative argument suggests that as there were 2 093 002 visitors to Australia in 1992-93, these people at least were not discouraged from obtaining a visa. The ATC sought to address this issue in its submission to the inquiry. The ATC stated:

A key question that emerges from consideration of this issue is whether or not the requirement to obtain a visa prior to travel acts as a disincentive to travel. There is strong anecdotal evidence and a degree of logic that suggests that the requirement to obtain a visa for travel is likely to act as a deterrent to travel. It would also seem likely that the requirement to obtain a visa is unlikely to attract visitors to a country, except if they associate the requirement for a visa with a heightened level of safety or minimisation of processing time at the point of

¹⁴ Evidence, p. S220.

¹⁵ Evidence, pp. S251, S372 and S291.

destination. More likely however, the necessity for a visa would be associated with the time and effort required to obtain it prior to actual travel.¹⁶

4.19 The ATC indicated that it had commissioned a study to determine the satisfaction level of visitors. Respondents were asked questions on what is important to them in deciding where to go on vacation. In a sample of visitors from Hong Kong, 54 percent of the respondent group nominated the requirement not to obtain a visa as being important in vacation choice. It is important to note, however, that 86 percent of those who nominated the requirement to obtain a visa as important also indicated that they 'would definitely or probably return to Australia for a holiday'. The ATC concluded that, while half the sample survey believed that visas are important in deciding where to travel, 'it does not appear to be deterring them from returning to Australia for a holiday'.¹⁷

4.20 The ATC indicated that its survey could only gauge the views of people who had visited Australia, and the more difficult question still remains as to how many other travellers are deterred from visiting Australia. In its submission, Qantas provided anecdotal evidence in this regard. Qantas suggested that:

. . . passengers who book late are discouraged from Australian package tours due to the need to acquire a visa. Instead they are sold packages to the USA, Korea or Taiwan where there are no visa requirements. It is estimated that Qantas could expect to carry an additional 39 000 Japanese visitors in 1994-95 if travel to Australia were visa free.¹⁸

4.21 **The Committee is interested in obtaining more specific and detailed evidence on whether the process of applying for and accessing a visa can discourage potential travellers from visiting Australia.**

16 Evidence, p. S372.

17 Evidence, p. S373.

18 Evidence, p. S291.

4.22 In certain submissions, it was noted that essentially Australia's universal visa requirement is non-discriminatory, as 'all foreign nationals are treated in a similar manner under the Australian policy'.¹⁹ In some submissions, however, it was suggested that the process of applying for and receiving approval for a visa is discriminatory, particularly with the operation of the 'risk factor' profile. The risk factor is set down in the *Migration Regulations*, schedule 4, regulation 4011(2), which states:

An applicant is affected by the risk factor if:

- a) during the period of 5 years immediately preceding the application, the applicant has applied for a visa or entry permit for the purpose of permanent residence in Australia; or
- b) the applicant has one or more relevant characteristics in common with a class of persons shown by statistics prepared by the Secretary from the movement records kept by Immigration to be persons who have remained in Australia after the expiry of the respective periods of time during that they were authorised to remain in Australia.

4.23 Applicants affected by the risk factor are required to satisfy an immigration officer that there is 'very little likelihood' that they will stay on in Australia after the expiry of their visa terms. Those outside the risk factor profile simply need to show that it is more likely than not that they will observe their visa terms. The risk factor requires such applicants to satisfy a higher burden of proof concerning their bona fides than other visitor applicants.

4.24 The South Brisbane Immigration and Community Legal Service, in its submission to the inquiry, suggested the risk factor is unjustifiable and discriminatory, stating:

It subjects certain individuals based upon their nationality, age and gender to a higher level of proof to demonstrate a genuine visit than people who do not fall within one of the statistical groups. As the statistical groups usually relate to people from poorer countries, either in their youth or elderly years, in many cases it is not possible for those people to satisfactorily demonstrate at the initial stages that they intend a genuine visit due to the types of proof required.²⁰

¹⁹ Evidence, p. S153.

²⁰ Evidence, p. S329.

4.25 The South Brisbane Immigration and Community Legal Service suggested that the 'risk factor' unduly impacts on Close Family Visitor Visas, which are intended to facilitate family reunion and, as such, benefit Australian citizens wishing to be reunited with friends and relatives. Accordingly, it is also Australian citizens who are disadvantaged if their friends or relatives are refused a visa. The South Brisbane Immigration and Community Legal Service proposed that the risk factor be removed from the Migration Act, and instead that 'all applicants for Close Family Visitor Visas, regardless of age or gender be subject to the same test - namely that of proving that a genuine visit is intended'.²¹

4.26 IARC similarly is critical of the 'risk factor' and stated:

The risk factor concept is an unsatisfactory application of statistical data which takes no account of a person's integrity or of differences in their circumstances. There is no point in saying 'X is from such and such a background therefore they will break visa conditions and overstay'. The leap in logic of drawing up a statistical base of age-group, sex and nationality and then applying that data to an individual is great.²²

4.27 ITOA, while not commenting on the 'risk factor', indicated that there are perceptions, particularly among persons from Asian countries, that Australia's visa system is discriminatory. ITOA stated that there are persons who 'regard our visa system as positive evidence that the 'White Australia Policy' is still alive and well'.²³ The Christmas Island Tourist Association (CITA), while not suggesting the existence of discrimination, suggested that 'ill feeling exists in relation to the present requirements'. CITA commented that 'many countries in Asia with which Australia deals on a day-to-day basis do not require visas to be obtained in advance for visits by Australian citizens'.²⁴ Case examples concerning the Filipino community cited by the Queensland Bureau of Ethnic Affairs were said to indicate heightened suspicion of visitors from this country. The Bureau proposed in its submission that the Committee 'examine whether some practices with regard to the issuing of visitor visas are discriminatory in general and in particular mitigate against the Filipino community'.²⁵

21 Evidence, p. S330.

22 Evidence, p. S253.

23 Evidence, p. S221.

24 Evidence, p. S77.

25 Evidence, p. S191.

4.28 In another example of alleged discrimination, the Hells Angels Motorcycle Club Inc. indicated that members of their affiliated clubs from New Zealand, the United States of America, England and other European countries were being denied Temporary Entry Visas to visit Australia. It was claimed that this decision was based on DIEA's determination that the Hells Angels Motorcycle is 'an international criminal organisation'.²⁶

4.29 To assist the Committee in its deliberations, objective evidence is required to sustain the argument that Australia's visitor visa system or aspects of that visa system are or are seen to be discriminatory and, as such, may be a disincentive for potential travellers to Australia. The Committee also is interested in the extent to which any proposal for a visa free system for selected countries would be viewed as a discriminatory arrangement (see also paragraph 6.6).

4.30 It is claimed that Australia's universal visa system influences the policies of other countries when deciding whether Australian travellers should be subject to visa requirements. In some submissions, it was argued that this process of reciprocity disadvantages Australian travellers. Qantas stated in its submission:

Destinations within, or aligned to, the Qantas network which require visas for Australian nationals includes the United States of America, Japan, France and Spain. In most cases this is a direct reaction to the Australian universal visa requirement. If Australia were to remove visa requirements for nationals of these countries, they would reciprocate.²⁷

4.31 The Tourism Task Force suggested that France and Germany will enforce reciprocal visa requirements if Australia maintains its universal visa policy. The Tourism Task Force commented that Australia is 'already being criticised for its protectionist policies, and rather than maintaining a blanket approach to visas, Australia must demonstrate to the international community that it is responding to this criticism by trialing alternative measures'.²⁸

²⁶ Evidence, p. S341.

²⁷ Evidence, p. S297.

²⁸ Evidence, p. S116.

5. A visa free system

5.1 Two major alternatives to Australia's current visitor visa system include a removal of the requirement to obtain a visa prior to travel to Australia for all visitors or a modified visa system which would exempt nationals from certain selected countries from the requirement to obtain a visa prior to travelling to Australia. This second option is discussed in Section Six. The benefits of a visa free regime for all visitors essentially would accrue through the tourism industry. Specifically, it is argued that the tourism industry stands to benefit through the expected increase in tourists resulting from a visa free environment. The South Australian Minister for Tourism, the Hon G. Ingerson, MP, commented in his submission to the inquiry:

Tourism in this country is one of the fastest growing economic sectors, contributing in 1993 one fifth of the growth in Australia's total export earnings. Across all areas of government our efforts should as a general philosophy, be directed towards facilitating tourism development and increasing the competitiveness of our industry rather than into regulatory mechanisms.

The implications of this for Australia's visa system are clear. Where possible the requirements for visitors to obtain an entry visa should be removed or the processes of obtaining one made as efficient as possible.²⁹

5.2 The issue of Australia's ability to compete for and attract tourism to Australia amongst other countries that have a visa free system was raised in a number of submissions. The Christmas Island Tourism Board commented in its submission:

Notably, countries showing the strongest tourism growth and offering the strongest competition to Australian tourism are those which have a facility for visitor visas to be granted upon arrival.³⁰

5.3 As against such benefits, in some submissions it was suggested that abolishing visas would degrade passenger facilitation at points of entry resulting in increased passenger processing times. This issue is discussed in more detail at paragraph 6.8.

²⁹ Evidence, p. S205.

³⁰ Evidence, p. S77.

5.4 The submissions advocating a complete removal of visa requirements were small in number with the remaining submissions divided on the options of visa free for selected countries or maintenance of the existing system but with efficiency improvements. The Committee is keen to obtain further evidence outlining the benefits and implications of a visa free system. Specifically, the Committee needs more qualitative and quantitative evidence on matters such as administrative arrangements and border integrity. Comparative data and information from other countries with visa free systems also would be useful.

6. Visa free for selected countries

6.1 The option of visitor visa exemptions prior to travel for nationals of selected countries received support from various submissions. Certain advantages and disadvantages of such a scheme have been canvassed in Section Four. Certain submissions also stressed this option because of their concern regarding the ability of DIEA's administration to cope with the expected increase in demand for visas through the next decade. It is argued that a visa free system for selected countries would reduce the pressure on DIEA and result in a more effective system. ITOA commented:

Australia received almost 3 million visitors in 1994 and recently released targets adopted by the Australian Tourism Commission have been set at 6.8 million overseas visitors for the year 2000.

Over the last decade DIEA has been able to cope with a four fold increase in visitor visas processed. Can DIEA handle a further doubling of the number of visa applications in the space of only 5 years?

Perhaps the more appropriate question to ask is whether the Government will continue to provide ever increasing resources to DIEA to maintain the present visa processing arrangements.

ITOA believes a new approach has to be taken to risk management involving visa free arrangements with selected countries and substantial improvements in the procedures for issuing visas to citizens of other countries. Unless such steps are taken Australia will earn a most undesirable international reputation and much of the good work done in promoting Australia as a tourist destination will be negated.³¹

31

Evidence, pp. S223-S224.

6.2 In this proposal, questions concerning the countries which should be selected for visa free arrangements, and the process and criteria for selecting such countries, are critical ones. In some submissions, it has been suggested that countries which historically have low rates of visa rejection and overstaying should be selected as visa free countries. Stirling Henry Migration Services suggested that, in view of their low rates of visa rejection and overstaying, Japan, Canada and the United States of America would be desirable countries. It stated:

The nationals of the above [Japan, Canada and the USA] and many other major visitor source countries pose no particular security problem. They are not subject to security or criminal checks as it is so the visa process affords no additional protection. Persons travelling on visa free arrangements would still be subject to a check against a warning list data base at the point of entry, as are New Zealanders now. Basically the only check that would be foregone would be one against local records at the overseas post concerned.³²

6.3 The Western Australian Chinese Chamber of Commerce suggested that, in selecting countries for visa free arrangements, consideration should be given to Asian countries. It suggested:

. . . there is a strong argument for citizens of select countries to travel visa-free to Australia. Certainly, in the case of Asian countries, Singapore and Japan are two which ought to be considered. We should also consider relaxing visa requirements for countries such as Malaysia, Indonesia and Taiwan.³³

6.4 IARC suggested that countries which offer Australia visa free entry should in turn be given the right of visa free entry to Australia. Such arrangements, it is argued, would enhance Australia's bilateral relations and international reputation. IARC stated:

Given that other countries trust our nationals to abide by any entry conditions without visas being issued before arrival at the port of entry, we should reciprocate such trust. This would greatly enhance our image overseas as an accessible place that people feel they can visit without any difficulties or hardships. Certain European countries allow Australian citizens to enter without visas being acquired beforehand or issue them on arrival (such as the

³² Evidence, p. S248.

³³ Evidence, p. S231.

UK, Italy, Greece, Holland, Germany ect); with no greater time delay in processing on arrival than is currently to be expected when one arrives in Australia under the current system.³⁴

6.5 The process of moving to a visa free system for selected countries would be complex and careful consideration of the task involved would be needed. The Tourism Task Force recognises this point, and as such has proposed to the Committee that 'low-risk countries, such as Canada and the USA, be selected for a trial period of full relaxation of visa requirements'.³⁵ The Tourism Task Force commented:

The Australian Government has good international relations with both the governments of the USA and Canada. The solid short term visitor arrivals from these nations, accounting for 12 percent of all international visitors to Australia, and the low over-stay rates, suggest that the USA and Canada would be ideal regions in which to implement such a program. Further, in recent years, these nations have relaxed their visa requirements, and would be likely to co-operate in such a program. A trial period would allow for any major oversights or security problems to be rectified before introduction of a reciprocal visa waiver program.³⁶

6.6 Some submissions already have alluded to potential problems with a visa free system for selected countries. First, it was argued that such an option is discriminatory and is in sharp contradiction with Australia's existing non-discriminatory universal visa system. Second, it was suggested that by removing visas for selected countries passenger facilitation and processing times at points of entry may be degraded seriously.

6.7 The issues of perceived discrimination arising from a visa system provoked various responses. One issue that arises is the possible erosion of bilateral relations if a country, particularly in our region, was not included on the list of visa free countries. Other submissions questioned whether Australia's existing policies were in fact non-discriminatory, with a suggestion that the 'risk factor', the working holiday maker arrangements and the refugee and humanitarian program are targeted at particular groups. In view of these apparent discriminations, Stirling Henry Migration Services commented:

³⁴ Evidence, p. S259.

³⁵ Evidence, p. S118.

³⁶ Evidence, p. S118.

A visa free arrangement which is also based on objective data in terms of relevant statistics could not be said to be arbitrarily discriminatory. If Australia allows concern about bilateral relations to impede the introduction to visa free arrangements then we would probably be the only country in the world that would do so. In part this argument is bureaucratic code for lack of confidence that the Government would be able to say no to countries who did not meet the criteria on which visa free arrangements were based, and who may take issue up bilaterally. Australians have a right to expect a little more fortitude on the part of their political leadership.³⁷

6.8 Qantas raised the concern about potential problems with processing times at points of entry if a partial relaxation of visas was implemented. Qantas commented:

In considering any alternative care should be taken to ensure, as far as possible, that arrival processing is uniform. A decision to remove visa requirements from one group of traveller while maintaining visas for another will lead to fractured arrival processing. . .

Should significant numbers of passengers require expanded data capture due to the fact that they do not have a visa, the impact at Australia's international airports would be considerable. Per passenger processing time would increase, meaning more dwell time in terminals.

Through-put of terminals would drop accordingly, reducing capacity and putting more pressure on terminal owners to extend facilities. Government would be forced to provide resources to staff the extended facilities. Increased costs would probably be reflected in passenger movement charges (Departure Tax) which would again impact adversely on tourism. Significantly increased arrival processing times and the flow on effects would totally negate any liberalisation of visitor visas.³⁸

³⁷ Evidence, pp. S248-S249.

³⁸ Evidence, pp. S302-S303.

6.9 The potential problems highlighted above leads Qantas to conclude that if the visa requirement was relaxed for certain countries then the screening process must not be shifted merely to the border. Further, Qantas indicated that people from exempt countries only should have to produce their passports and satisfy identity checks.

6.10 Few submissions discussed the mechanics and administrative checks that would be necessary at the border for people arriving in Australia and not requiring a visa. The Christmas Island Tourism Board has proposed that Australia adopt the 'dual-card system' which is, for example, used by Singapore, Indonesia and Malaysia. The form covers both entry and departure, with the applicant entering standard information such as arrival date, flight or ship number, proposed length of stay, purpose of visit, proposed address and other statistical information.³⁹ The Christmas Island Tourism Board commented on the operation and effectiveness of the dual card system:

The officer at the port of entry checks the information against the passport and makes other routine visual checks of the passport whilst at the same time entering data into a computer. Subject to all other checks being satisfactory, the card is stamped, one half being affixed to the visitors passport and forming the visa.

This form is surrendered upon departure enabling the card to be matched against its counterpart serial number.

In the meantime, the customer is recorded and any expiration of a visa can be identified and appropriate action taken.

The dual card system saves processing time and provides a numeric exit check. It is more efficient in terms of personnel, time and operating cost.

From the customer's standpoint the dual card system is simple, fast, and efficient. It enables customers to make last minute plans to visit Australia.⁴⁰

³⁹ Evidence, p. S77.

⁴⁰ Evidence, pp. S77-S78.

6.11 In examining the option of visa free travel for nationals of selected countries, it is important for the Committee to consider the following:

- . the criteria by which countries would be selected for visa free travel arrangements;
- . whether visa free travel for selected countries would create a perception of discrimination which would adversely affect Australia's bilateral relations; and
- . the arrangements which would be necessary to ensure efficient processing of travellers at points of entry.

7. Enhancing the existing system

7.1 A number of submissions indicated support for maintenance of the existing universal visa system, but with changes to certain visa categories, and efficiencies in the administration and issuance of visas. Some submissions indicated the need for the uptake and use of advanced technologies to ensure that passenger processing and visa issuance meet the expected demand in visa applications, particularly in the lead up to the Sydney 2000 Olympic Games.

7.2 A general theme in some of the submissions was that the visa system is not the problem, rather it is the visa application and processing systems which are the main impediments in the visa delivery system. In view of this concern, a number of proposals were suggested to enhance and improve the existing visa system. The major proposals outlined in the submissions include:

- . extension of agency arrangements for visa issuance beyond Japan through the use of outposted travel agents. Such travel agents could include the major airlines, Thomas Cook and American Express;
- . introduction of passport/visa reader technology at all Australian entry ports for returning Australians and visiting New Zealand citizens;
- . the use, where possible, of 'high tech' solutions such as smart card technology and computer transfer of information to ensure that the current visa system becomes more efficient and as invisible as possible;
- . adoption of personal checking and control processes used by credit card companies;

- . maintenance of the 'no charge' policy for application for short term Australian tourist visas;
- . extension and greater promotion of multiple entry visas for visitors to Australia;
- . relaxation of visa requirements for cruise passengers;
- . employment of the resources of other country's missions to assist with the processing of visa applications to Australia; and
- . avoidance of transferring control from off-shore centres of authority to points of entry in Australia.

7.3 As discussed in Section Two, DIEA has introduced changes to visa issuance in 1988 whereby travel agents in Japan and Qantas agents in certain cities in the United Kingdom and United States of America assist with the delivery of visas. The purpose of this scheme was to increase the range of outlets for visas, and so improve access for applicants. It has been suggested that this scheme should be extended to other countries as a major step in improving access and delivery of visas. The Queensland Government commented:

If Australia decides not to follow New Zealand and most European countries in abolishing visa requirements, it needs to examine whether it is more efficient to have visas issued by travel agents and airline companies at the point of ticket sales rather than through Commonwealth offices both in Australia and overseas.⁴¹

7.4 The proposal that travel agencies associated with major airlines and companies assist with the issuance of visas is also supported by the West Australian Tourism Commission and the Tourism Task Force.⁴² DIEA's experience and evaluation of the operation of the Qantas and Japanese scheme could provide valuable insight and guidance if the scheme was extended to other agencies and other countries.

7.5 **In considering the feasibility of extending the visa issuance scheme beyond Japan and certain Qantas agencies by allowing the issue of visas at points of sale in other countries, issues to examine include:**

- . **the criteria which will be used to select agencies, and the system of accreditation which should apply;**

⁴¹ Evidence, p. S278.

⁴² Evidence, p. S391 and S118.

- . the checks and balances required to ensure quality control; and
- . the processes required to monitor and ensure security and prevent fraud.

7.6 The use of high technology solutions and sophisticated identification processes to improve security and cope with the expected increased demand in visa application and processing has been suggested in a number of submissions. The Federal Airports Corporation commented:

. . . passenger processing times can be reduced by a combination of risk management and electronic information exchange without loss of regulatory controls. Such initiatives would expedite passenger processing and reduce congestion at the entry and exit control points.⁴³

7.7 In the area of improving the positive identification of passengers, various proposals have been presented, including:

- . the use of hand-scans or fingerprint data which can be checked against encoded reference data carried by the passenger or contained in a national database;⁴⁴ and
- . the 'smart card', a method of automatic identification which uses a plastic card, the size of a credit card, in which one or more microchips are embedded. These cards are programmable and can carry a large database of information.⁴⁵

7.8 The following technological developments were proposed in relation to improving processing times at points of entry:

- . Advance Passenger Information (API), which obtains information from passengers at the departure point, transfers it to the country of destination while passengers are in flight, and allows checking to take place prior to the passenger's arrival; and⁴⁶

43 Evidence, p. S133.

44 Evidence, p. S142.

45 Evidence, p. S142 and S120.

46 Evidence, p. S141.

the use and timely installation of passport/visa reader technology at all of Australia's international airports.⁴⁷

7.9 The use and uptake of technological solutions raise questions involving security, civil liberties and the protection of confidential information. This relates particularly to procedures such as fingerscans or handscans. These issues require further elaboration and consideration. The effect which technological changes will have on operations at air and shipping terminals around Australia is likewise relevant.

7.10 The Committee, in assessing the option of maintaining the existing visitor visa system but with efficiency improvements, is interested in the feasibility of technological solutions and the effect of their implementation. In particular, the Committee is interested in:

- . security, control and the prevention of unauthorised access to database systems;
- . civil liberty issues with regard to procedures such as fingerscans and handscans;
- . the success of such systems in overseas countries; and
- . the impact of such systems on operations at air and shipping terminals throughout Australia.

7.11 Some submissions discussed the benefits of the 'multiple entry visa' which is currently available to tourists for one or four years and allows multiple entry travel during this period. In some submissions it was suggested that this type of visa is not promoted enough, and hence the benefits of multiple entry travel on one visa largely are ignored. The Victorian Immigration Advice and Rights Centre suggested that the multiple entry visa should become the primary type of visa, providing two major benefits:

- . less decisions on visitor visas need to be made. As visitor visas constitute the largest number of visa applications each year, decision makers can devote more time to determining applications for temporary and permanent residence; and
- . approval for subsequent visits reduces the incentive for making further applications for stay while the holder of the visa is in Australia.⁴⁸

⁴⁷ Evidence, p. S121.

⁴⁸ Evidence, p. S198.

7.12 The expected growth in visa applications, and the possible uptake of new administrative processes through advanced technologies, may present DIEA with new resource challenges. In some submissions, it was suggested that consideration needs to be given to the resources which DIEA will require to undertake the expected increased volume of work in visa processing through the next decade. The Tourism Task Force noted that between 1991-92 and 1993-94 the total staff resources at overseas missions decreased by approximately 11 percent. This is in contrast with the observation that some overseas missions, such as Jakarta 'are already over-stretched with current applications'.⁴⁹

7.13 A further issue raised in respect of DIEA's administration involves its coordination of activities with other government agencies, particularly those operating offshore, such as the ATC. One submission referred to conflicts between the objectives of DIEA and the ATC resulting in the inefficient use of valuable public funds. The Tourist Task Force commented:

... both the Australian Tourist Commission (ATC) and DIEA are targeting similar segments, albeit, for different reasons. Two segments in question are the Backpacker Market and mainland China. While the ATC sees these markets as large potential source segments, DIEA consider them 'at risk' groups, primarily due to over-stay problems.⁵⁰

7.14 **The Committee, in assessing the administration of the current visa system, requires additional information on these issues. In addition, the Committee invites further comments of a general nature on the performance of the existing system and the ways that the present system can be enhanced.**

49 Evidence, p. S119.

50 Evidence, p. S117.

8. Conclusion

8.1 In this issues paper, the Committee has canvassed some of the major issues relevant to Australia's visa system for visitors. Through this presentation, the Committee seeks to stimulate further community debate before it proceeds to public hearings. At the public hearings, the Committee will be testing the views put to it in submissions and will be seeking objective evidence to support the arguments presented. As noted previously, the issues discussed in this paper reflect the information currently available to the Committee and do not represent the considered or ultimate views of the Committee, which will be contained in the final report of the inquiry.

Written comments on the issues paper should be forwarded by 31 January 1995 to:

**Mr Andres Lomp
Secretary
Joint Standing Committee on Migration
Parliament House
CANBERRA ACT 2600**

Telephone: (06) 277 4560

Facsimile: (06) 277 8506

Appendix One

SUBMISSIONS

No.	Name of person/organisation
1	P. J. Nelson & Co
2	Mr K. Flack
3	Holy Spirit Missionary Sisters
4	Mr R. Large
5	MudMaps Pty Limited
6	Milner International College of English
7	Ms A. Crenan
8	Mr A. L. Clarke
9	Mr G. Campbell, MHR
10	Mr J. Jovanovic
11	Bio Recognition Systems Pty Ltd
12	Mr J. Harris
13	The Australian Federation of Travel Agents Ltd
14	Mr R. J. Tyson
15	Mr S. A. Sharaf
16	Australian Duty Free Operators Association Ltd
17	Mr P. D. Jones
18	Confidential
19	Austral Slovenian Society 'Tivoli'
20	Mrs W. Wardrop

21	Mrs L. A. Thomson
22	Mr R. Landau
23	Mr M. Grimwood
24	Mr E. R. Cope
25	Mr N. Inglis
26	Ms V. Campbell
27	Mr A. Bruce
28	Christmas Island Tourism Board
29	Gilton Business Consultants
30	Mr R. G. Tacon
31	Brisbane Marriage and Relationship Consultants
32	Confidential
33	Federation of Indian Associations of Victoria Inc.
34	J. P. Migration Services Pty Ltd
35	Universal Federation of Travel Agents' Associations
36	The Tourism Task Force
37	North Eastern Region Migrant Resource Centre
38	Federal Airports Corporation
39	Tourism Victoria
40	Migrant Resource Centre (Northern Tasmania) Inc.
41	Dr J. A. Streeton
42	Mr P. J. Wardrop

- 43 Commonwealth Department of Human Services
and Health
- 44 Ms M. Stebbing
- 45 Australia India Society of Victoria Inc.
- 46 Tourism New South Wales
- 47 Mr I. Komaravalli
- 48 Bureau of Ethnic Affairs, Queensland
- 49 Victorian Immigration Advice & Rights
Centre Inc.
- 50 Hon G. Ingerson, MP
Minister for Tourism, South Australia
- 51 Ararat Chinese Heritage Society Inc.
(Attachments Confidential)
- 52 Confidential
- 53 Inbound Tourism Organisation of Australia
Limited
- 54 The Western Australian Chinese Chamber of
Commerce Inc.
- 55 Mr K. McAlpine
International America's Cup Class
Technical Director
- 56 Federation of Ethnic Communities' Councils
of Australia
- 57 Stirling Henry Migration Services
- 58 Immigration Advice & Rights Centre Inc.
- 59 Department of Tourism, Sport and Racing
Queensland
- 60 Qantas Airways Limited
- 61 Christmas Island Resort

62	Advanced Information Technologies
63	South Brisbane Immigration & Community Legal Service Inc.
64	Hells Angels Motorcycle Club Inc.
65	Confidential
66	Australian Federal Police
67	Association of Australian Convention Bureaux Inc.
68	Migration Institute of Australia Limited
69	Australian Tourist Commission
70	Western Australian Tourism Commission
71	Department of Commerce and Trade, Western Australia
72	International Air Transport Association
73	Northern Territory Government
74	Australian Tourism Industry Association
75	Australian Customs Service
76	Department of Foreign Affairs and Trade
77	Department of Immigration and Ethnic Affairs