



Australian Government
Department of Home Affairs

The Administration of the Immigration and Citizenship Programs

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Table of Contents

Purpose	3
Introduction	3
Responding to COVID-19	4
Travel restriction exemptions	4
Temporary measures in response to COVID-19	5
Service delivery during COVID-19	6
Outlook	6
Administering the Immigration Program	7
Broad visa trends	7
Net Overseas Migration	8
Temporary visas	9
Pandemic event visa	10
Visitors	11
Students	11
Working Holiday Makers	14
Temporary Skilled Work	15
Seasonal Worker Program and Pacific Labour Scheme	17
Special measures for Hong Kong and British National Overseas (BNO) passport holders	17
Bridging visas	18
Domestic and Family Violence (DFV) visa and coordination support	19
Relationship between permanent and temporary migration	20
Migration Program	21
Skilled Migration Program	23
Family Program	29
Humanitarian Program	33
Australian Citizenship Program	37
Managing threats, risk and community protection	41
Threat and risk environment	41
Detecting threats within the Immigration Program	42
Biometrics and integrity screening in the Immigration Program	42
Modern slavery and human trafficking	43
People smuggling	43
Migrant worker exploitation	44
Ensuring immigration integrity and community protection	45
Unlawful Non-Citizens	46
Cancellations	46
Status resolution	48
Management of transitory persons	50

Purpose

1. The Department of Home Affairs (the Department) has produced this paper to help external stakeholders understand how it administers Australia's Immigration and Citizenship Programs. It complements existing publicly available sources, including regularly published data, and provides a tri-annual overview of the administration of visa, citizenship, border and compliance programs, focusing on recent environmental factors, program developments and trends.

Introduction

2. Immigration is central to Australia's national story and identity. From a population of about 7 million people after the Second World War, Australia has grown to a nation of more than 25.7 million people in 2021. In recent years, Australia's population growth has largely been driven by immigration. The Australian Bureau of Statistics (ABS) estimates that almost 30 per cent of Australia's resident population was born overseas¹, a much higher level than most other Organisation for Economic Cooperation and Development (OECD) countries.
3. Australia benefits from the people-to-people links generated by migration that provide economic and other opportunities and shape our international reputation. Within the immigration program, targeted visa programs – including temporary visitor, student and work visas, permanent skilled and family visas, and refugee and humanitarian visas – feed into the Australian citizenship program and operate in conjunction with border and compliance operations to support our economic prosperity, social cohesion, community safety and national security. Effective administration of Australia's Immigration and Citizenship Programs is central to ensuring these benefits and maintaining Australia's sovereignty.
4. Since the early 1970s, these programs have been elements of a universal, non-discriminatory visa system, which focuses on the contribution a person can make to Australia rather than their ethnicity, gender or religious beliefs. Australia enjoys high levels of social cohesion and broad public support for its Immigration Program. This is, in part, based on confidence in well-managed non-discriminatory migration.
5. The administration of these programs involves dual, complementary, objectives to:
 - facilitate the entry and stay of those who legitimately seek to visit, study, work, be reunited with family, or obtain protection
 - prevent the entry or stay of non-citizens attempting to disguise their true identity or intentions, or who otherwise pose a risk to the security or safety of the Australian community or to the national interest.
6. The Department's management of Australia's Immigration Program anticipates and responds to changing international circumstances. Over the longer term, this has included rapid growth in the international movement of people for a broad range of purposes, from tourism to migration.
7. In the past 20 years the number of global migrants has risen from 173 million people in 2000 to 281 million in 2020, an increasing proportion of whom have been forcibly displaced (34

¹ Australian Bureau of Statistics (2020), *Migration, Australia, 2019-20* [online document], Australian Government, accessed May 2021.

million in 2020)². The various impacts of COVID-19 have disrupted this trend in Australia and elsewhere. Global international travel has reduced significantly over the past 18 months, including estimated declines of 74 per cent in global tourist numbers in 2020 and 85 per cent to May in 2021, as compared to pre-pandemic levels, with the largest declines experienced in the Asia Pacific region³.

Responding to COVID-19

8. Australia's response to the COVID-19 pandemic has had an unprecedented and continuing impact on the administration of immigration and citizenship programs.
9. Since 1 February 2020, based on the advice of the Australian Health Protection Principal Committee, the Australian Government has implemented travel restrictions and exemptions designed to curb the introduction and spread of COVID-19 in Australia while allowing travel into and out of Australia to continue for essential reasons.
10. The Department and Australian Border Force (ABF) jointly manage these restrictions, which operate in conjunction with quarantine arrangements managed by state and territory governments. Staff resources have been redirected to activities that support the Government's response to the pandemic, including supporting the ABF Commissioner's consideration of requests for travel restriction exemptions.
11. The pandemic and ongoing travel restrictions have significantly reduced demand for most visas. In 2020-21, the number of non-humanitarian visa applications lodged fell by nearly 6 million, or 81 per cent compared to the previous year (see Figure 1).
12. The Department has continued to process applications and has focused on critical areas that support the national response to, and recovery from, COVID-19, and visa grants for non-citizens in compelling and compassionate circumstances.

Travel restriction exemptions

13. The travel exemption process has shifted from an emergency response in February and March 2020 to a high volume business process, with strong expectations from clients and key stakeholders about responsiveness and transparency.
 - A number of categories are automatically exempt from inwards travel restrictions, including Australian citizens, permanent residents and their immediate family members.
 - Discretionary exemption categories are also available to support Australia's COVID-19 economic recovery and to facilitate travel in the most compassionate and compelling of circumstances, noting the ongoing public health risk presented by international travel during the COVID-19 pandemic.
 - As at 31 August 2021, over 810,000 travel exemption requests had been received since March 2020 when Australia first implemented global travel restrictions.

² United Nations Population Division (2021), *International Migration 2020 Highlights* [online document], United Nations, accessed March 2021.

³ World Tourism Organization (2021), *UNWTO World Tourism Barometer and Statistical Annex, July 2021* [online document], UNWTO, accessed October 2021.

- Detailed information on the exemption arrangements for inward travel and monthly Travel Exemptions Reports, including data on applications and decisions, can be found at <https://covid19.homeaffairs.gov.au/travel-restrictions>.

Temporary measures in response to COVID-19

14. The Government has introduced temporary visa arrangements in response to COVID-19. These arrangements - to support public health measures, protect the health of the community, safeguard jobs for Australians, support critical sectors, and assist with economic recovery - include:
 - the creation of a COVID-19 Pandemic event visa through the Subclass 408 (Temporary Activity) visa to assist to regularise the visa status of individuals in Australia working in critical sectors such as health, aged and disability care, childcare, agriculture and food processing and those who have no other visa options and are unable to depart Australia due to COVID-19 travel limitations
 - the introduction of the Priority Migration Skilled Occupation List (PMSOL) to facilitate the migration of people with critical skills through employer sponsored visa programs, from both within Australia and overseas
 - strengthened labour market testing for employer sponsored visa applications
 - relaxation of the 40 hours per fortnight working hours for international students working in critical sectors
 - exempting Working Holiday Makers from the six month work limitation with one employer if working in a critical sector.
15. Other measures have been implemented to support visa holders impacted by COVID-19, including Visa Application Charge waivers, the relaxation of certain visa conditions and concessions to some visa requirements for certain cohorts.
16. The Government has also introduced measures to respond to the specific impacts of COVID-19 on regional Australia. In addition to the measures outlined in previous editions of this paper:
 - in May 2021, the tourism and hospitality sectors were classified as critical sectors under the COVID-19 Pandemic Event visa
 - in June 2021, 'specified work' arrangements were expanded to include tourism and hospitality in northern, remote and very remote Australia for all Working Holiday Maker (WHM) visa holders wishing to apply for a second or third WHM visa. The changes will come into effect for applications lodged from March 2022, although applicants will be able to count relevant work they have undertaken since 22 June 2021.
 - in August 2021, the Government announced the Australian Agriculture Worker visa program for primary industry sectors including horticulture, meat processing, dairy, wool, grains, fisheries (including aquaculture) and forestry
 - from September 2021, more flexible labour market test concessions will apply for all businesses approved for access to a labour agreement under Designated Area Migration Agreement (DAMA) arrangements.
17. Information about the measures the Government has taken in response to the COVID-19 pandemic is regularly updated and available on the Department's website at <https://covid19.homeaffairs.gov.au/>.

Service delivery during COVID-19

18. The pandemic continues to affect the Department's capacity to deliver services and programs in Australia and overseas.
19. Throughout the COVID-19 pandemic, Service Delivery Partners (SDPs) have been dealing with a dynamically changing situation in many countries, with local governments declaring measures such as business closures, self-isolation, travel bans and advisories on social distancing. This has resulted in ongoing service disruptions and a number of closures. SDPs gradually re-commenced biometric collection services from October 2020 and as at 31 August 2021, the biometrics were being collected in 39 countries.
20. The Department's staffing resources have been diminished around the world as countries respond to local health impacts of COVID-19. As at 31 August 2021, the overseas network was operating at about 73 per cent of overall capacity.
21. Within Australia, 65 per cent of non-humanitarian visa processing staff capacity has been redirected to COVID-19 related critical functions including COVID-19 border measures, visa processing to support the Government's COVID-19 priorities or activities to support COVID-19 recovery. This includes the transfer of approximately 177 staff from visa processing and border management roles to travel exemption processing.
22. As part of a global operating model for visa processing, and in response to the challenges presented by COVID-19, the Department allocates resources flexibly to manage demand and on-hand levels for all visa types. Processing staff may work across a range of visa programs and may not be allocated to processing a single visa subclass. The Department uses all available resources, regardless of their location, to deliver on Government immigration priorities. The location of processing for visa caseloads is continually reviewed in response to evolving requirements.
23. The Department's websites continue to provide a consistent and comprehensive source of information on visas, citizenship, travel restrictions and support services to clients and the Australian community. The *COVID-19 In your language* website, covid19inlanguage.homeaffairs.gov.au, hosts whole-of-Government COVID-19 related information in 63 languages.

Outlook

24. As Australia's international borders re-open, temporary and permanent migration will play a critical role in our economic recovery from the pandemic with migrants filling growing skill and labour shortages in metropolitan and regional Australia and rebuilding important sectors such as international education and tourism. Australia will face international competition to attract and retain migrants, particularly global talent and skilled workers, as other countries also seek to rebuild their economies and offset the population challenge of an ageing domestic population.
25. In the longer term, the 2021 Intergenerational Report predicts that Net Overseas Migration (NOM) will account for around 74 per cent of Australia's population growth by 2060-61⁴ and play an important role in continuing economic growth. In the shorter term, NOM and the rate of growth of Australia's population will reflect the continuing impact of the pandemic. The Treasury forecast in the 2021-22 Budget that, as a result of an ongoing reduction in global travel, NOM will not return to pre-COVID levels until 2023-24. Australia's population is projected to be 4.4 per cent smaller (1.1 million fewer people) by 2030-31 than it would have

⁴ The Treasury (2021), *2021 Intergenerational Report* [online document], Australian Government, accessed October 2021.

been had it not been for the global pandemic. It is now estimated to reach 28.8 million by 2028-29, three years later than in the absence of COVID-19.

26. The 2021-22 Migration Program has been designed to provide flexibility to respond to evolving border measures and economic circumstances. Targeting the Migration Program to address current and longer-term economic needs, with a focus on visa categories that best address Australia's labour market needs and growth objectives, will help to address the impacts of the pandemic as Australia moves into the next phase of economic recovery and prepares for international travel restrictions to ease.
27. Effective management of Australia's borders and of the pandemic has been reflected in sustained social cohesion and support for immigration and multiculturalism⁵. The Scanlon-Monash Index of social cohesion moved in a positive direction in 2020, with an increased proportion of respondents (71 per cent) indicating that 'accepting migrants from many different countries makes Australia stronger' and fewer respondents regarding Australia's immigration intake as too high (38 per cent).

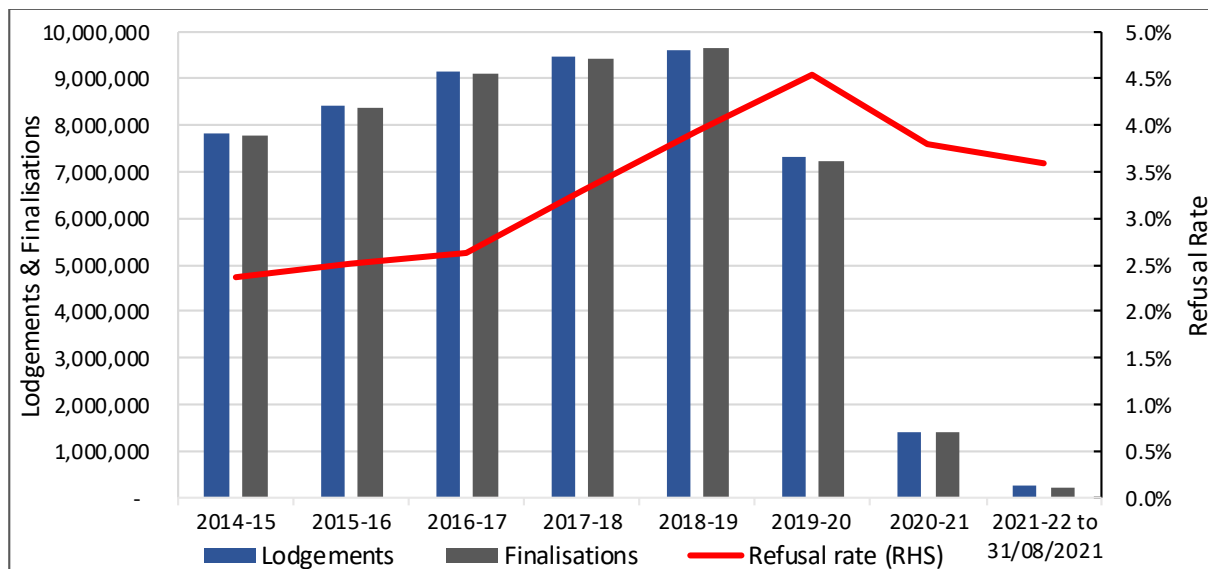
Administering the Immigration Program

Broad visa trends

28. Before the pandemic, the number of non-humanitarian visa applications lodged by people seeking to enter or remain in Australia had shown consistent annual growth (Figure 1 below).
 - From 2014–15 to 2018–19, temporary and permanent visa applications grew by about 1.8 million, or 23 per cent.
 - In 2019–20, the effects of COVID-19 reduced visa applications by more than 2.3 million, or 24 per cent, compared to the previous year.
 - In 2020-21, visa applications declined by nearly 6 million, or 81 per cent, compared to 2019-20.
29. The increase in refusal rates between 2014-15 and 2019-20 reflects:
 - Government policy settings that strike a balance between the efficiency and integrity of Australia's visa programs; and
 - the Department's use of more sophisticated risk analysis and systems to assist in the assessment of applications.
30. More recently, the visa refusal rate has decreased because of the impact of international border closures and limited flight availability, as well as prioritisation of processing resources to applications associated with an approved travel exemption.

⁵ Scanlon Foundation Research Institute (2021), *Mapping Social Cohesion: The Scanlon Foundation Surveys 2020* [online document], SFRI, accessed March 2021.

Figure 1: Total non-humanitarian visa programs trends, 2014-15 to 2021-22 (to 31 August 2021)



Source: Department of Home Affairs, 2021

31. The Department continues to assess applications on a case-by-case basis in line with Government priorities (including priorities set in response to COVID-19) and visa criteria. Other factors that affect the processing of applications include the volume of applications received, the quality and completeness of those applications, applicants' responsiveness to requests for information, and the complexity involved in assessing genuineness, character, health and security requirements.
32. Despite the growing volume and risk, the Department has achieved greater productivity, finalising more applications each year by:
 - encouraging the take up of online lodgement, which reduces manual data entry. As at 31 August 2021:
 - 99 per cent of all temporary visa applications were lodged electronically, compared to 78 per cent in 2014-15
 - 93 per cent of all permanent visa applications were lodged electronically, compared to 74 per cent in 2014-15
 - continually improving systems and processes
 - increased global caseload management (see paragraph 22).

Net Overseas Migration

33. NOM is the net gain or loss of population through immigration to Australia and emigration from Australia. NOM is based on international travellers staying in or out of the country for 12 months or more over a 16-month period. The term 'international travellers' includes all visa holders, and New Zealand and Australian citizens. NOM continually varies and can be difficult to forecast accurately as it is affected by many complex domestic and international factors.

34. Since the year ending June 2006, NOM has been the key driver of Australia's population growth⁶. Between 2008 and 2018, NOM remained between 172,000 and 315,700 per annum.
35. NOM has been significantly affected by international travel restrictions and weaker labour markets domestically and globally. The latest NOM forecasts developed by Treasury in the 2021-22 Budget indicate NOM will move from a net inflow of approximately (+) 194,000 in 2019-20 to a net outflow of around (-) 97,000 persons by the end of 2020-21, then to around (-) 77,000 in 2021-22, before gradually increasing to around (+) 235,000 in 2024-25 (see Table 1 below).

Table 1: Net Overseas Migration (NOM) forecasts, for years ending 30 June

	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
NOM, Australia	194,400	-96,600	-77,400	95,900	201,100	235,000

Source: **Budget 2021-22, Commonwealth of Australia, May 2021**

Temporary visas

36. Australia's temporary visa programs allow people to come to Australia for a broad range of specific purposes (including to visit, study, for international relations and to undertake work) that deliver substantial economic and cultural benefits. The student and visitor visa programs are key enablers for Australia's international education and tourism sectors, usually two of the largest export sectors.
37. A proportion of temporary visa holders apply for a further temporary visa while in Australia and some temporary visa holders also apply to stay permanently through the Migration Program (see paragraphs 82 to 84).
38. COVID-19 has resulted in a decrease in the number of temporary visa holders in Australia as a consequence of the greatly reduced number of new arrivals and the departure of many temporary visa holders (see Table 2). On 31 August 2021, there were nearly 1.7 million people in Australia on temporary visas compared to over 1.9 million in 31 August 2020, a reduction of 13.4 per cent.
 - Of those in Australia, an estimated 1.55 million have work rights.
39. New Zealand citizen Special Category visa holders are the largest cohort of temporary residents. Many are long term residents in Australia and there has been a relatively small decline in the size of this cohort during the pandemic. The largest percentage decreases have related to the Visitor and Working Holiday Maker visas. The increase in bridging visa holders is principally a function of special COVID-19 arrangements to maintain the lawful status of temporary visa holders unable to depart Australia (including in circumstances where they would not normally be permitted to apply for additional visas while in Australia).

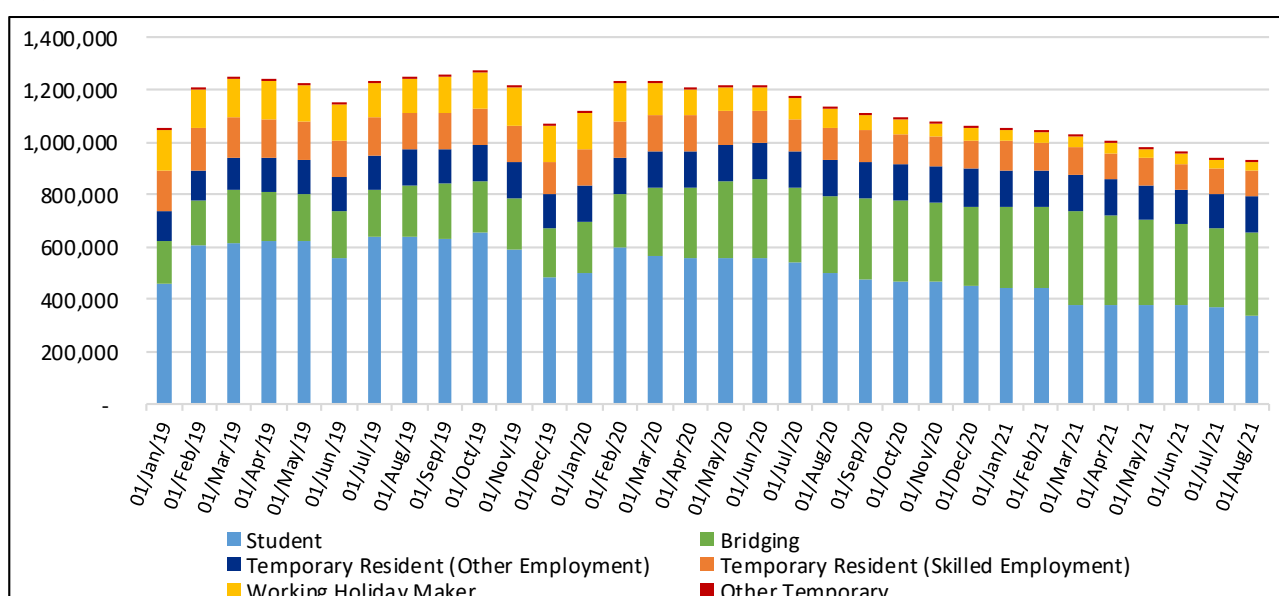
⁶ Productivity Commission (2016), *Migrant Intake into Australia, Inquiry Report No. 77* [online document], Australian Government, accessed March 2021; The Treasury (2021), *2021 Intergenerational Report* [online document], Australian Government, accessed October 2021.

Table 2: Change in the number of temporary visa holders in Australia between 31 August 2020 and 31 August 2021

Visa category	31-08-20	31-08-21	Difference	% Change
Bridging (excluding Bridging visa E)	297,527	315,494	17,967	6.0%
Crew and Transit	7,305	9,642	2,337	32.0%
Other Temporary	5,372	4,035	-1,337	-24.9%
Special Category	660,293	659,120	-1,173	-0.2%
Student	498,251	336,854	-161,397	-32.4%
Temporary Protection	17,750	18,535	785	4.4%
Temporary Resident (Other Employment)	139,275	141,633	2,358	1.7%
Temporary Resident (Skilled Employment)	120,796	95,411	-25,385	-21.0%
Visitor	93,719	41,270	-52,449	-56.0%
Working Holiday Maker	71,884	33,008	-38,876	-54.1%
Total	1,912,172	1,655,002	-257,170	-13.4%

Source: Department of Home Affairs, 2021

Figure 2: Number of temporary visa holders in Australia⁷, January 2019 to August 2021



Source: Department of Home Affairs, 2021

Pandemic event visa

40. On 4 April 2020, the Government announced that a COVID-19 Pandemic event stream within the subclass 408 Temporary Activity visa would be available to allow temporary visa holders in Australia to remain lawfully during the pandemic:

- to work in critical sectors including agriculture, food processing, health care, aged care, disability care, child care and tourism and hospitality
- if they have no other visa options and are unable to depart Australia due to COVID-19 travel restrictions.

⁷ Excludes Visitor, Crew, Transit, Other Protection, Bridging Visa E and Special Category visa holders.

41. As at 31 August 2021, 64,591 visa applications had been received and 30,309 visas granted, primarily to workers in critical sectors. Critical sector applications are given processing priority.

Visitors

42. International tourism provides substantial economic benefits and generates jobs, investment and growth in communities throughout the country. The Department supports this industry through expedited online and electronic visitor visa options.

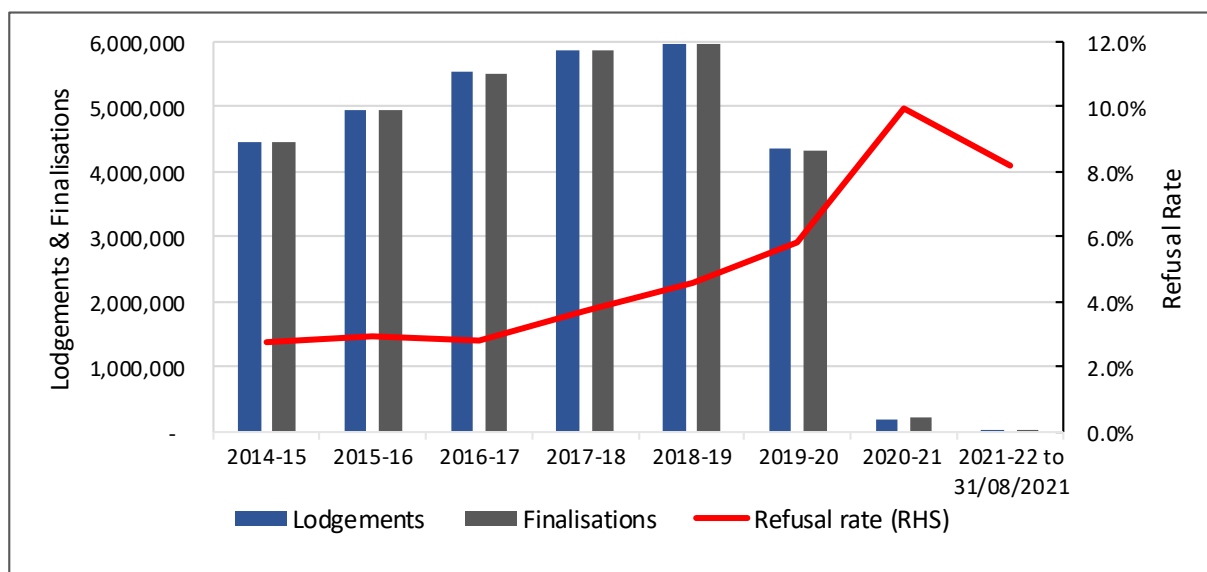
43. Prior to the outbreak of COVID-19, international tourism had been projected to continue to grow and Visitor visa applications had sustained year-on-year growth. The global pandemic, subsequent reduction in demand for international travel, and strict border measures to protect the health of the Australian community, have significantly affected demand for visitor visas.

44. As at 31 August 2021, the number of Visitor visa holders in Australia had declined by approximately 56 per cent compared to the previous year (see Table 2) and by 86 per cent when compared to the same period in 2019.

45. Since the outbreak of COVID-19, the Department has prioritised Visitor visa applications from people in Australia to allow them to remain lawful until they are able to depart, and applications from people overseas who are exempt from travel restrictions. In the 12 months to 31 August 2021, 23,813 Visitor visa holders arrived in Australia as immediate family members of an Australian citizen or permanent resident (exempt category), or having been granted an individual exemption.

46. Concessions have been introduced to allow Visitor visa holders outside Australia, whose previous Visitor visa expired, or will expire, between 20 March 2020 and 31 December 2021, to receive a waiver of the visa application charge for a future Visitor visa applied for by 31 December 2022.

Figure 3: Visitor visa program trends, 2014-15 to 2021-22 (to 31 August 2021)



Source: Department of Home Affairs, 2021

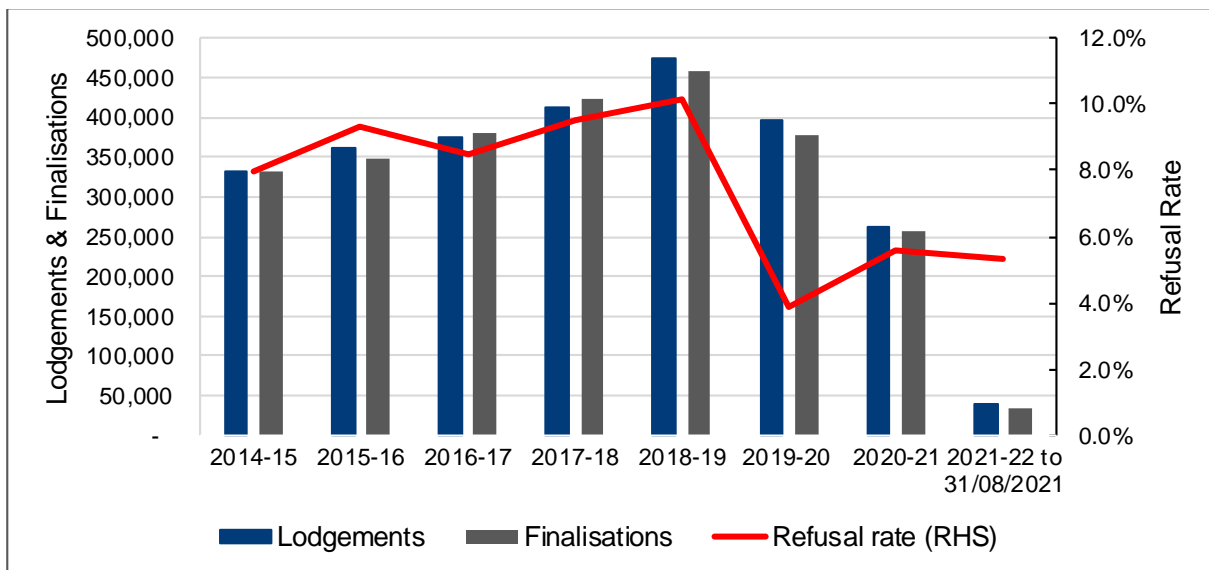
Students

47. The international education, training and research sectors make an important economic, social and cultural contribution to Australia. Student visas enable genuine international students to pursue their chosen course of study in Australia, provided the course is subject to

Australia’s quality assurance framework for international education, set out under the *Education Services for Overseas Students Act 2000*.

48. Demand for Student visas has typically depended on factors such as education sector quality and reputation, cost, marketing, and the value of the Australian dollar. The Department works with the Department of Education, Skills and Employment, Austrade and education regulators to support a consistent whole-of-government approach to the international education sector.
49. Prior to the pandemic, the Department had supported continued growth in the sector. The consequences of the pandemic, including ongoing travel restrictions, have led to a significant reduction in Student visa applications (see Figure 4 and Table 4).
 - In 2020-21 offshore student visa lodgements fell 55.5 per cent and onshore lodgements by 12.6 per cent, compared to 2019-20.
 - Some Students have chosen to return to their home country during the pandemic, however, almost 374,056 student visa holders remain in Australia (see Table 3).

Figure 4: Student visa program trends, 2014-15 to 2020-21 (to 31 August 2021)⁸



Source: Department of Home Affairs, 2021

⁸ Includes all primary and secondary Student visa applications.

Table 3: Number of Student visa holders in Australia, quarterly to 30 June 2021

Sector	31-Dec-19	31-Mar-20	30-Jun-20	30-Sep-20	31-Dec-20	31-Mar-21	30-Jun-21
Foreign Affairs or Defence	2,832	4,393	4,278	3,471	2,579	2,130	2,084
Higher Education	267,555	330,497	329,720	267,286	250,346	192,716	197,956
Independent ELICOS	24,950	22,952	15,756	9,762	6,436	4,382	3,084
Non-Award	3,241	4,834	2,799	565	348	163	173
Postgraduate Research	22,472	27,069	25,645	23,841	22,426	21,193	20,628
Schools	6,808	17,949	17,336	16,565	14,726	10,758	10,664
Student (Not Further Specified)	11	11	11	11	11	11	11
Vocational Education and Training	152,674	160,219	159,765	154,882	153,060	146,432	139,456
Total	480,543	567,924	555,310	476,383	449,932	377,785	374,056

Source: Department of Home Affairs, 2021

Table 4: Change in the number of Student visa applications lodged by sector between 2019-20 and 2020-21, and 2021-22 numbers (to 31 August 2021)

Sector	2019-20	2020-21	Difference	% Change	2021-22 (to 31/08/2021)
Foreign Affairs or Defence	3,786	1,639	-2,147	-56.7%	341
Higher Education	197,529	143,199	-54,330	-27.5%	25,085
Independent ELICOS	36,285	6,284	-30,001	-82.7%	541
Non-Award	12,281	389	-11,892	-96.8%	27
Postgraduate Research	11,790	9,611	-2,179	-18.5%	1,817
Schools	7,903	2,542	-5,361	-67.8%	164
Vocational Education and Training	125,572	98,969	-26,603	-21.2%	12,090
Total	395,146	262,633	-132,513	-33.5%	40,065

Source: Department of Home Affairs, 2021

50. The Government has offered a number of concessions to students to ensure they are not disadvantaged by the pandemic and that Australia remains an attractive destination for international students. These include:

- Work restrictions have been relaxed for students working in supermarkets during lockdowns and for aged care and disability workers, regardless of when they were employed, aligning with other critical sectors including agriculture, tourism and hospitality, and health care.
- Student visa holders studying online outside Australia due to COVID-19 will be able to count that study towards the Australian Study Requirement for a Temporary Graduate visa.
- Visa charge waivers are available for students who need to reapply for their student visas as a result of COVID-19 travel restrictions.
- Flexibility for English language testing and biometrics checks, if students are unable to undertake tests in their home country.

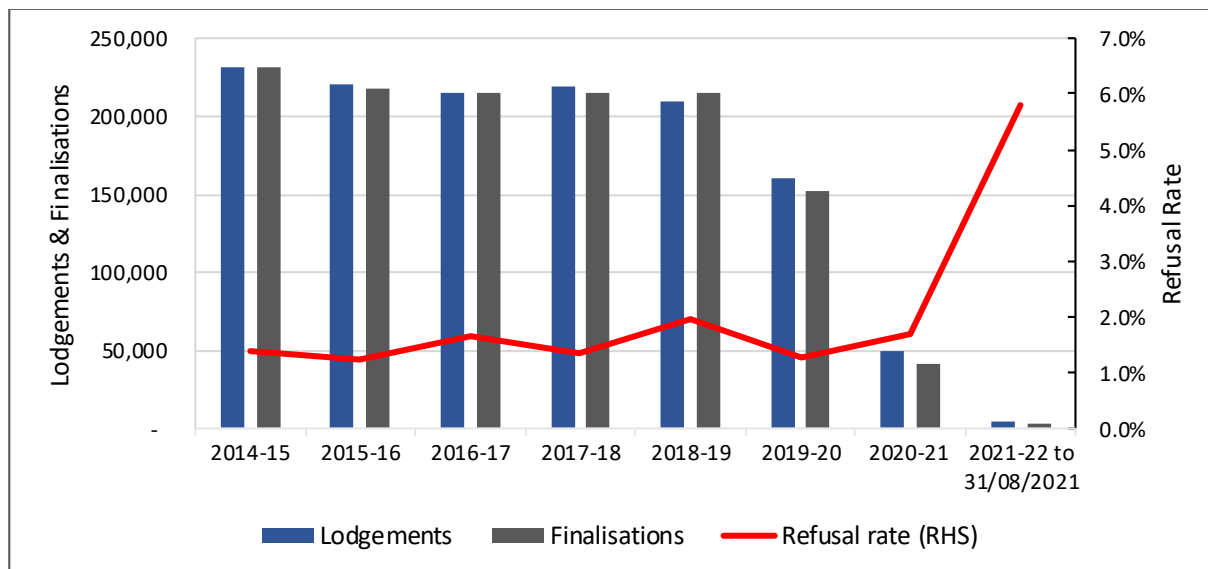
51. The Department has also taken a flexible approach in cases where the pandemic has prevented students meeting visa conditions, such as where they are not able to attend classes in person.

52. The Temporary Graduate visa (subclass 485) allows international students to live, study and work in Australia after they have finished their studies. It remains a well utilised pathway for Student visa holders, with 47,826 Student visa holders being granted a Temporary Graduate visa in 2020-21.
53. The Government has allowed students to apply for, and be granted, a Temporary Graduate visa outside Australia if they are unable to return to Australia due to COVID-19.

Working Holiday Makers

54. The Working Holiday Maker (WHM) program promotes cultural exchange and boosts people-to-people links between young adults from Australia and 44 other countries by providing opportunities to travel and undertake short-term work during their holiday. Working holiday makers have also provided a valuable source of workers in some key sectors.
55. While WHM visa holders do not have to work at all while in Australia and are not limited in the work they can undertake, program settings encourage work in regional areas, particularly in the agricultural sector to help with seasonal work. WHM visa holders can apply for a second WHM visa if they have completed three months of 'specified work' in a specified area. Second WHM visa holders who complete six months of 'specified work' can apply for a third WHM visa.
56. In response to COVID-19, the Government introduced arrangements allowing WHM holders working in sectors critical to the supply of goods and services to extend their stay in Australia. The definition of 'specified work' for WHMs has been expanded to include critical COVID-19 work in the healthcare and medical sectors. WHMs employed in critical sectors are also exempt from the six month work limitation with one employer.
57. Visa application charges may be waived for current and former WHM visa holders who were unable to travel to Australia due to travel restrictions, who departed early due to the pandemic, or who remain in Australia during the pandemic and apply for a new visa before 31 December 2022.
58. The COVID-19 pandemic has led to a decrease in visa demand for the WHM program (see Figure 5) and the number of WHM visa holders in Australia (see Table 2). In addition to the impacts of COVID-19, demand for WHM visas is generally influenced by local and international labour markets, economic conditions and changes in currency exchange rates.

Figure 5: Working Holiday Maker visa trends, 2014-15 to 2021-22 (to 31 August 2021)



Source: Department of Home Affairs, 2021

59. There are no employer sponsorship requirements for WHM visa holders (unlike other work visa programs) and hence sanctions, such as sponsorship cancellation or barring further sponsorship, are not available as a response by the Department to any instances of proven worker exploitation (further discussed at paragraphs 205-215). The Department provides information to WHM applicants and visa holders directly, and on its website, in relation to working conditions and protections. WHM visa holders are subject to the same employment laws and complaints/enforcement mechanisms as Australian workers.

Temporary Skilled Work

60. The Temporary Skill Shortage (TSS) visa was introduced in March 2018 to replace the Temporary Work (Skilled) (subclass 457) visa.

61. The visa is underpinned by a robust integrity framework, including ongoing sponsorship obligations for employers to ensure overseas workers are protected from exploitation. The program is designed to meet genuine skills shortage while not undercutting local employment, wages and conditions.

62. The TSS visa enables employers to meet their workforce needs by bringing skilled workers from overseas where they cannot recruit an appropriately skilled Australian worker.

- TSS visa holders can work in Australia in their nominated occupation for their approved sponsor under either the short term, medium term or Labour Agreement stream of the program.
- Relevant occupations are identified on the Short-term Skilled Occupation List, the Medium and Long-term Strategic Skills List or the Regional Occupation List. The National Skills Commission is responsible for reviewing the lists of occupations eligible for skilled migration to ensure that they remain responsive to Australia's skill needs. This includes labour market analysis and a public consultation process.

63. All businesses nominating overseas workers for temporary or permanent sponsored visas are required to pay a Skilling Australia Fund (SAF) levy. The SAF prioritises apprenticeships and traineeships in occupations that are in high demand, rely on skilled migration, or have future growth potential, including in rural and regional Australia. The Department of Education, Skills

and Employment manages a national partnership that provides SAF funding to the states and territories.

64. While TSS visa holders help fill critical workforce shortages, ABS Labour Force Survey data indicates that, on average across all industries and occupations, the number of primary TSS (and former subclass 457) visa holders in Australia represents less than one per cent of employed persons⁹. The 15 most frequently nominated occupations in 2020-21 are listed in Table 5.

Table 5: Most frequently nominated occupations for Temporary Skill Shortage visa, 2019-20 and 2020-21

	Nom inated occupation	2019-20	2020-21	% change from 2019-20	2020-21 as % of Total
1	261313 Software Engineer	1,490	1,570	5.3%	6.8%
2	253112 Resident Medical Officer	1,270	1,310	3.4%	5.7%
3	261312 Developer Programmer	850	990	17.4%	4.3%
4	351311 Chef	720	900	25.3%	3.9%
5	351411 Cook	680	600	-12.5%	2.6%
6	261111 ICT Business Analyst	1,290	590	-54.4%	2.5%
7	225113 Marketing Specialist	610	510	-16.7%	2.2%
8	224711 Management Consultant	840	390	-53.1%	1.7%
9	221111 Accountant (General)	450	390	-12.9%	1.7%
10	141111 Café or Restaurant Manager	510	390	-23.9%	1.7%
11	131112 Sales and Marketing Manager	430	370	-14.1%	1.6%
12	253111 General Practitioner	410	360	-13.4%	1.5%
13	111211 Corporate General Manager	390	350	-11.5%	1.5%
14	263213 ICT Systems Test Engineer	320	340	6.9%	1.5%
15	312512 Mechanical Engineering Technician	380	330	-13.3%	1.4%
16	Other occupations	17,790	13,780	-22.5%	59.5%
	Total	28,410	23,160	-18.5%	100.0%

Source: Department of Home Affairs, 2021

65. Demand for the TSS visa has fallen considerably as a result of the COVID-19 pandemic (see Table 6 below).

Table 6: Change in the number of Temporary Resident (skilled) primary visa applications lodged between 2019-20 and 2021-22 (to 31 August 2021)

Visa category	2019-20	2020-21	Difference	% Change	2021-22 (to 31/08/2021)
Temporary Resident (Skilled Employment)	36,334	27,190	-9,144	-25%	5,084

Source: Department of Home Affairs, 2021

⁹ Australian Bureau of Statistics (2021), *6202.0 – Labour Force, Australia, February 2020* [online document], Australian Government, accessed March 2021.

Seasonal Worker Program and Pacific Labour Scheme

66. Australia currently operates two temporary labour mobility programs for workers from nine Pacific countries and Timor-Leste as part of Australia's ongoing commitment to promoting economic resilience and improving livelihoods in the region:
 - the Seasonal Worker Program (SWP), which provides access to short-term, seasonal work opportunities in the Australian agricultural sector, and in selected locations in the accommodation sector
 - the Pacific Labour Scheme (PLS), which provides access to longer-term low and semi-skilled work placements in rural and regional Australia for up to three years.
67. These programs are managed by the Department of Education, Skills and Employment (SWP) and the Department of Foreign Affairs and Trade (PLS). The Department's role in relation to these programs is to assess and facilitate entry for eligible Pacific Islander workers through the Temporary Work (International Relations) subclass 403 visa.
68. In August 2020, the SWP and PLS were restarted to help fill labour shortages in key agricultural sectors.
 - From the restart to 31 August 2021, 11,047 SWP and PLS visas were granted to workers from Vanuatu, Tonga, Fiji, the Solomon Islands, Papua New Guinea and Timor-Leste to travel to the Northern Territory, Queensland, New South Wales, South Australia, Tasmania, Victoria and Western Australia to take part in the programs.
69. On 6 August 2021, the Government announced it would increase the number of Pacific workers in Australia under the SWP and PLS, bringing in an extra 12,500 Pacific workers by March 2022 to address labour shortages in key agricultural sectors.
70. The SWP and PLS will remain the priority source of temporary migrant workers for Australia's agricultural sectors while the new Australian Agriculture Worker visa will address labour gaps that cannot be filled by Australian and Pacific labour.

Pacific Australia Labour Mobility (PALM) scheme

71. On 14 September 2021, the Government announced the first stage of reforms to the PLS and SWP programs intended to make the programs easier to access, protect worker welfare, and better meet the workforce needs of regional Australia. The reforms will better align the two programs, build in greater flexibility, and expand eligibility for some sectors and for employers with a good record. The programs will be managed by the Department of Foreign Affairs and Trade, along with the new Agricultural Visa program.

Special measures for Hong Kong and British National Overseas (BNO) passport holders

72. Regulations to automatically extend temporary graduate or temporary skilled visas held by Hong Kong passport holders for five years commenced on 21 August 2020. The regulations also provide that future grants of these visas to Hong Kong passport holders will have a validity of five years.
73. Subject to amendments being made to the *Migration Regulations 1994*, these arrangements will be extended to British National Overseas (BNO) passport holders.
74. A permanent residency pathway is currently being developed to be available when eligible people reach the end of the five-year extended visa validity period. This pathway will be available to Hong Kong and BNO passport holders after five years on temporary skilled or

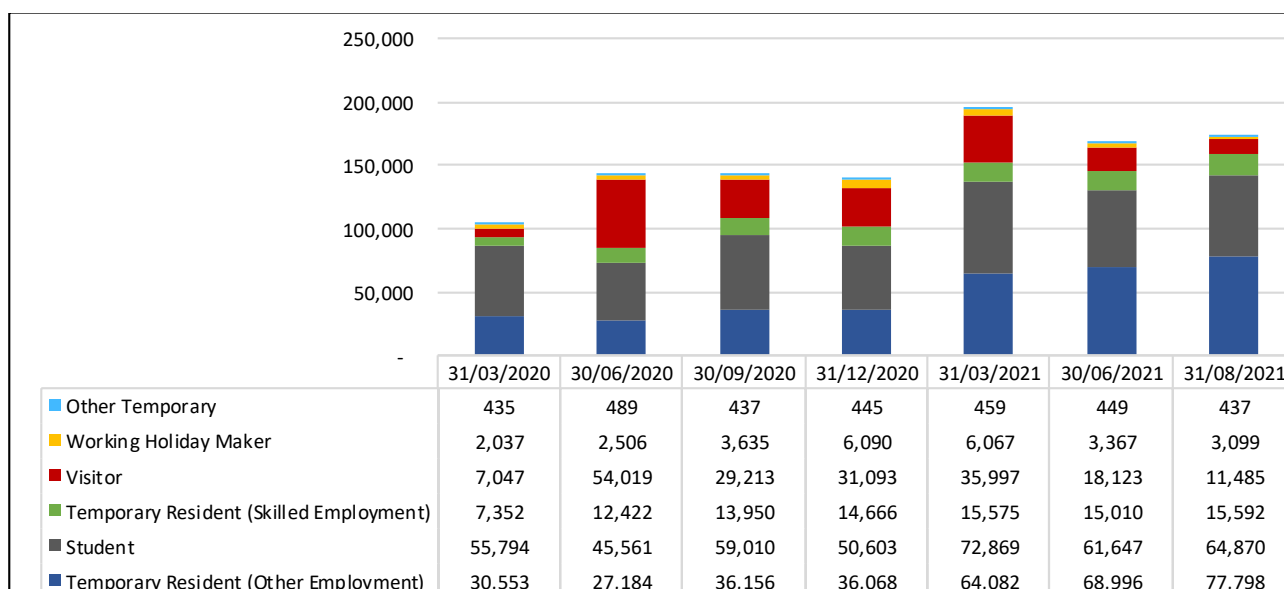
temporary graduate visas, or three years for those who choose to live, work and study in a regional area.

Bridging visas

75. Bridging visas enable the Department to maintain a non-citizen's lawful status while they stay in Australia for a range of legitimate purposes, including:

- applying for a visa in Australia, or while they seek to temporarily travel overseas during the visa application process
- appealing a decision to refuse their visa application through merits or judicial review
- recovering from a human trafficking or slavery-related offence and (if they choose to) assisting an Australian Federal Police (AFP) investigation
- making arrangements to leave Australia.

Figure 6: Bridging visa A, B and C holders in Australia by selected temporary visa category applied for, 31 March 2020 to 31 August 2021¹⁰



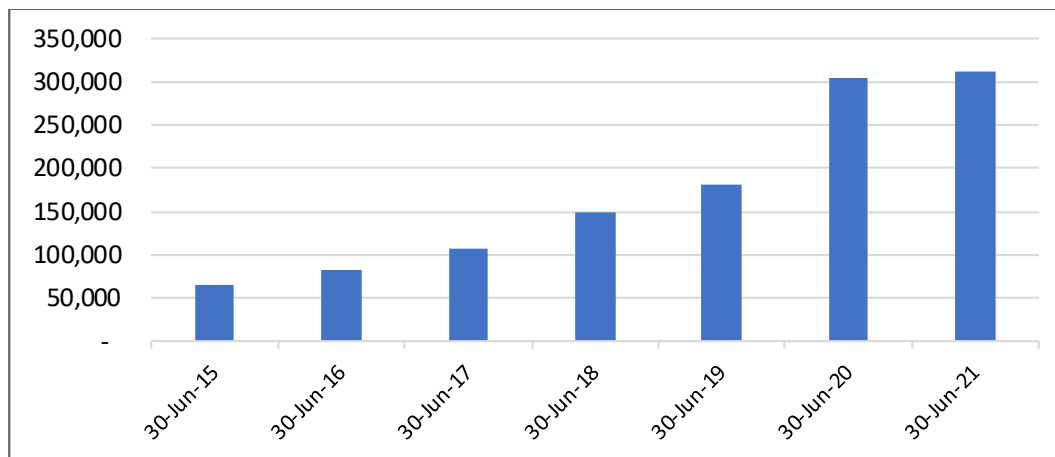
Source: Department of Home Affairs, 2021

76. Where a person cannot be granted a bridging visa through normal visa application processes, they may seek Ministerial Intervention.

77. The number of bridging visa holders (excluding Bridging E visas (subclasses 050 and 051)) increased by almost 73 per cent between 30 June 2019 and 30 June 2021 as people unable to depart during COVID-19 applied for new substantive visas to remain in Australia. On 31 August 2021, there were 315,494 bridging visa holders (excluding Bridging E visa holders) in Australia (see Figure 7). Information on Bridging E visas is at pages 48-49.

¹⁰ Excludes Bridging Visa E (subclass 050 and 051) holders.

Figure 7: Number of bridging visa holders in Australia, 30 June 2015 to 30 June 2021¹¹



Source: Department of Home Affairs, 2021

78. In general, as the total number of temporary visa holders increases, more substantive visa applications are received from individuals seeking to stay longer in Australia who are granted a bridging visa while they await a decision. Of the bridging visa holders in Australia on 31 August 2021 (excluding Bridging Visa E holders), 24 per cent had applied for permanent migration, 21 per cent had applied for a protection visa, 55 per cent had applied for a temporary visa, and fewer than one per cent had been granted a bridging visa for other reasons.

Applications for merits review

79. Non-citizens who apply for merits review of a decision by the Department to refuse or cancel a visa may be granted a bridging visa to remain in Australia during that process. Most applications for merits review are dealt with in the Migration and Refugee Division (MRD) of the Administrative Appeals Tribunal (AAT).

80. The AAT's caseload has grown significantly in recent years, particularly applications for review of migration and refugee visa-related decisions. At 31 March 2020, 66,687 cases were awaiting review by the MRD. Following a decline in applications for review during 2020-21, this had decreased to 56,040 active cases on hand at 31 August 2021.

Domestic and Family Violence (DFV) visa and coordination support

81. As part of the 2021-22 Budget, the Government invested \$2.5 million to support temporary visa holders experiencing DFV through the establishment of a dedicated DFV support team within the Department of Home Affairs. This measure complements a Department of Social Services' (DSS) pilot to assist temporary visa holders experiencing DFV through the provision of financial, legal and migration advice support. The new DFV support team will:

- provide a centralised point of contact on visas in support of the DSS pilot;
- triage visa applications for victims of DFV, with a view to assisting them to regularise their visa status; and
- gather and analyse data and feedback to inform future policy responses to further assist temporary visa holder victims of DFV.

¹¹ Excludes Bridging Visa E (subclass 050 and 051) holders, includes applicants for permanent and temporary visas.

Relationship between permanent and temporary migration

- 82. While Australia’s migration system does not offer automatic progression from temporary to permanent visas, increasing numbers of permanent migrants use temporary visa programs as a pathway to gaining permanent residence.
- 83. Temporary migrants are a major source of permanent Skill stream visa applications, with a number of visas providing a pathway from temporary to permanent residence for those who have demonstrated their ability to contribute to the Australian economy.

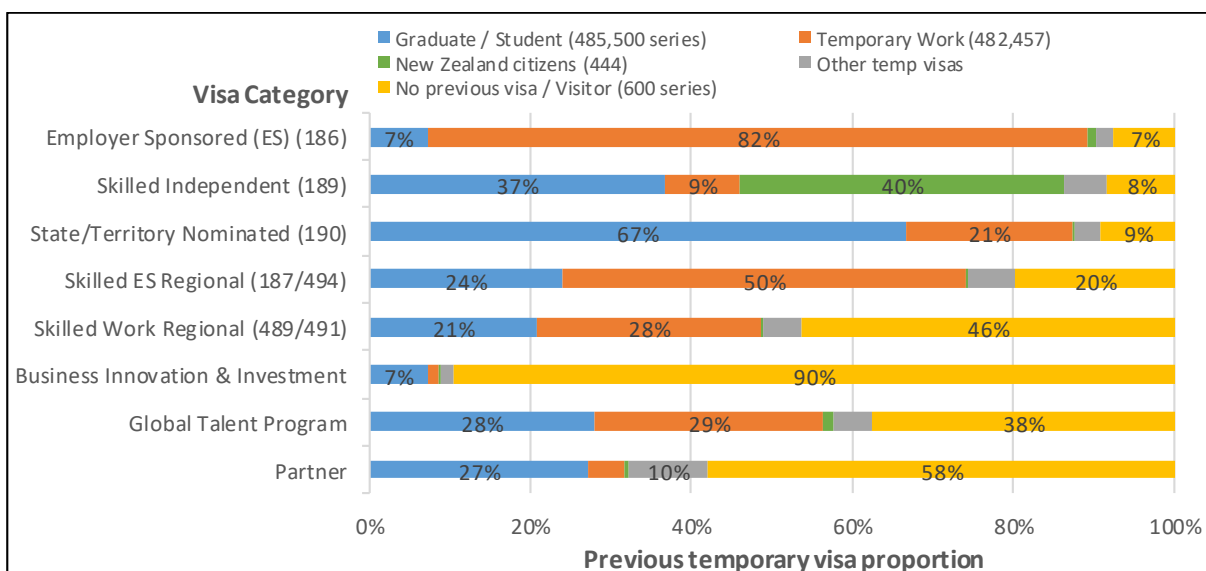
Table 7: Number of permanent primary visa applications lodged by client location, 2020-21

Visa category	In Australia	Outside Australia	Total
Child	717	2,229	2,946
Family	59,006	42,920	101,926
Other Permanent	65	57	122
Resident Return/ADV	44,880	30,475	75,355
Skilled	82,467	27,023	109,490
Special Eligibility	61	11	72
Total	187,196	102,715	289,911

Source: Department of Home Affairs, 2021

- 84. Within the Skill Stream, the Employer Sponsored and Skilled Employer Sponsored Regional categories were most reliant on applications by Temporary Work visa holders while Graduate and Student visa holders comprised a significant proportion of grants for the State/Territory Nominated and Skilled Work Regional categories (see Figure 8 below).

Figure 8: Proportion of permanent visas granted where a temporary visa was previously held, 2020-21

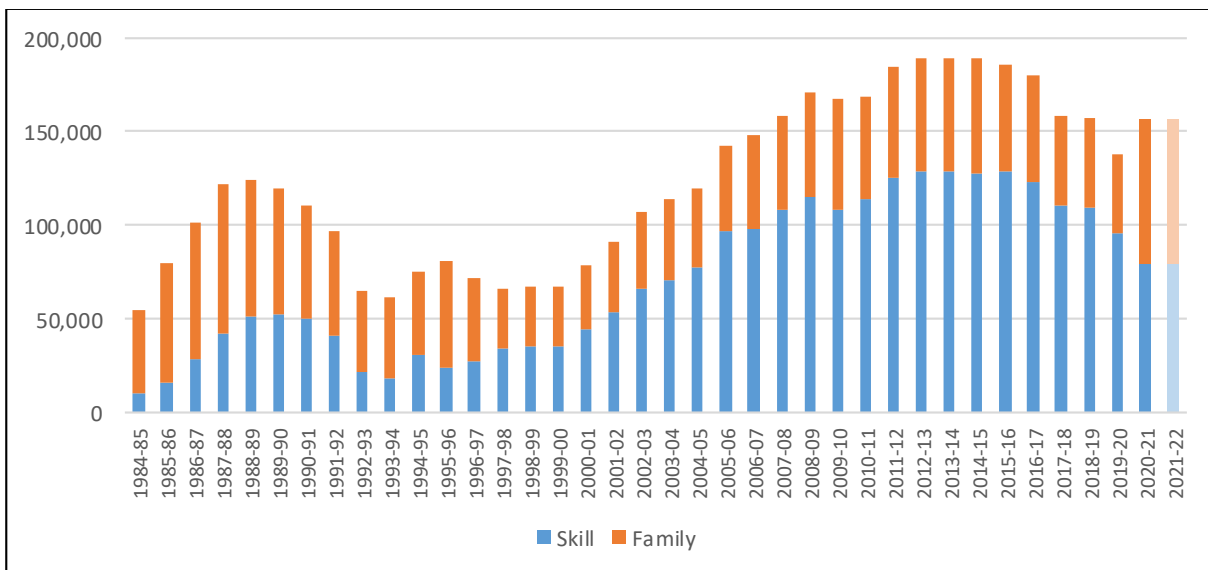


Source: Department of Home Affairs, 2021

Migration Program

- 85. The permanent Migration Program has been designed to meet Australia’s economic, demographic and labour market needs, typically with a strong focus on skilled migration, and to support social cohesion, particularly through family reunion. The permanent Migration Program is comprised of three key streams: the Skill program, the Family program and the (much smaller) Special Eligibility program.
- 86. The Government decides the number of places available in these programs, setting planning levels as part of the annual Budget process. Planning levels are treated as a ‘ceiling’ rather than a target, ensuring that standards are not lowered to fill places. As a temporary measure, the Government has departed from a two-thirds/one-third distribution across the Skill and Family streams, with the proportion of Family stream visa places increasing to a planning level of approximately 50 per cent of the total Migration Program ceiling. The Department aligns allocation of its decision making capacity with the Government’s priorities as expressed in these planning levels.

Figure 9: Migration Program outcomes by stream, 1984-85 to 2021-22¹²



Source: Department of Home Affairs, 2021

- 87. A carefully managed Migration Program will help Australia’s economy recover from the impacts of COVID-19. The 2021-22 Migration Program is designed to respond and adapt to evolving economic, border and public health challenges in an uncertain environment. The Migration Program ceiling for 2021-22 has been retained at 160,000 places. Planning levels across visa categories are outlined in Table 8.

¹² 2021-2022 numbers are planning levels instead of outcomes.

Table 8: Migration Program planning levels and program outcomes, 2019-20 to 2021-22

Category	2019-20 Planning Levels	2019-20 Program Outcomes	2020-21 Planning Levels	2020-21 Program Outcomes	2021-22 Planning Levels	2021-22 Delivery (at 31 August 2021)
Employer Sponsored <i>Employer Nomination Scheme Regional Sponsored Migration Scheme (replaced)</i>	30,000	29,261	22,000	23,503	22,000	2,982
Skilled Independent	18,652	12,986	6,500	7,213	6,500	1,089
State/Territory & Regional ¹³ <i>State/Territory Nominated Skilled Regional</i>	47,968 24,968 23,000	44,867 21,495 23,372	22,400 11,200 11,200	27,853 14,268 13,585	22,400 11,200 11,200	4,126 1,927 2,199
Business Innovation and Investment Program	6,862	4,420	13,500	11,198	13,500	2,027
Global Talent Program ¹⁴	5,000	4,109	15,000	9,584	15,000	1,774
Distinguished Talent	200	200	200	269	200	46
Skill total	108,682	95,843	79,600	79,620	79,600	12,044
Partner	39,799	37,118	72,300	72,376	72,300	8,685
Parent	7,371	4,399	4,500	4,500	4,500	1,596
Other Family	562	444	500	496	500	66
Family total	47,732	41,961	77,300	77,372	77,300	10,347
Special Eligibility	236	81	100	54	100	1
Total Migration Program	156,650	137,885	157,000	157,046	157,000	22,392
Child ¹⁵	3,350	2,481	3,000	3,006	3,000	654
Total permanent migration places	160,000	140,366	160,000	160,052	160,000	23,046

Source: Department of Home Affairs, 2021

88. Within the Migration Program, the number of places delivered to migrants of different citizenships can change over time due to a variety of factors, including lodgement rates and changes in planning levels for different migration streams. The 10 most common citizenships in the 2020-21 Migration Program compared with previous years are set out in Table 9 below.

¹³ From 2019-20, the Regional category consists of the new skilled regional visas (Skilled Employer Sponsored Regional (Provisional) (subclass 494) visa and Skilled Work Regional (Provisional) (subclass 491) visa) and the previous regional visas (Regional Sponsored Migration Scheme (subclass 187) visa and Skilled – Regional (Provisional) (subclass 489) visa). Applications for the previous regional visas that were lodged prior to 16 November 2019 will continue to be processed and resulting visa grants will be counted towards places in the Regional category.

¹⁴ Commenced in the 2019-20 program year.

¹⁵ Outside the Migration Program ceiling.

Table 9: Migration Program - Top 10¹⁶ countries of citizenship, 2015-16 to 2020-21

Outcome ¹⁷	Program Year						
	Citizenship Country ¹⁸	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
	China, Peoples Republic of (excl SARs)	29,008	28,293	25,145	24,282	18,587	22,207
	India	40,145	38,854	33,310	33,611	25,698	21,791
	United Kingdom	18,950	17,038	13,654	13,689	10,681	12,703
	Philippines	11,917	12,209	10,610	9,159	8,965	11,058
	Vietnam	5,341	5,493	5,124	5,532	5,398	8,120
	United States of America	3,486	3,448	2,782	3,812	3,301	4,780
	Nepal	5,095	4,290	3,067	4,096	5,048	4,714
	Hong Kong (SAR of the PRC)	1,849	1,795	1,928	1,647	1,391	4,312
	Pakistan	6,708	6,556	6,235	4,739	4,136	4,121
	Thailand	2,788	2,676	2,486	2,120	1,979	4,002
	Other	64,483	62,956	58,076	57,636	55,182	62,244
	Total	189,770	183,608	162,417	160,323	140,366	160,052

Skilled Migration Program

89. The Skill stream of the Migration Program is designed to meet Australia's economic, demographic and labour market needs. It provides for the entry of migrants with higher than average labour force participation and productivity and specialist skills in demand in the labour market. Skilled migrants generate benefits for the economy by bringing to Australia new knowledge and skills, helping businesses take up new technology, and providing further connections to global markets. Specific skilled visas for regional Australia help to meet workforce shortages in designated regions.

- Modelling by the Productivity Commission¹⁹ has found that increasing the share of migrants with higher skilled occupations increased Australia's real GDP per person.
- The December 2020 Population Statement from Treasury's Centre for Population notes that the emphasis on skilled migration leads to the selection of migrants who are younger than the Australian average, and of an age more likely to have children. This approach to migration can help offset the consequences of an aging population²⁰.
- Skilled migrants contribute more to Government revenue through taxation than they receive through government services and benefits.

90. The skilled migration visa settings are designed to safeguard the jobs of Australian workers. Policy settings aim to ensure skilled migration complements, not replaces, domestic employment and training initiatives to meet skill needs. While employer-sponsored visas are designed for skilled migrants to fill specific vacancies where no suitable Australian workers are available, non-employer-sponsored skilled visas select migrants based on their human

¹⁶ Top 10 grouping based on 2020-21 outcome.

¹⁷ Includes primary and secondary applicants.

¹⁸ New Zealand grants were not counted toward the Migration Program outcome prior to 2017-18.

¹⁹ Productivity Commission (2016), *Migrant Intake into Australia, Inquiry Report No. 77 – Technical Supplement B – The economy wide impacts of migration – general equilibrium modelling* [online document], Australian Government, accessed March 2021.

²⁰ The Treasury (2021), *2021 Intergenerational Report* [online document], Australian Government, accessed October 2021.

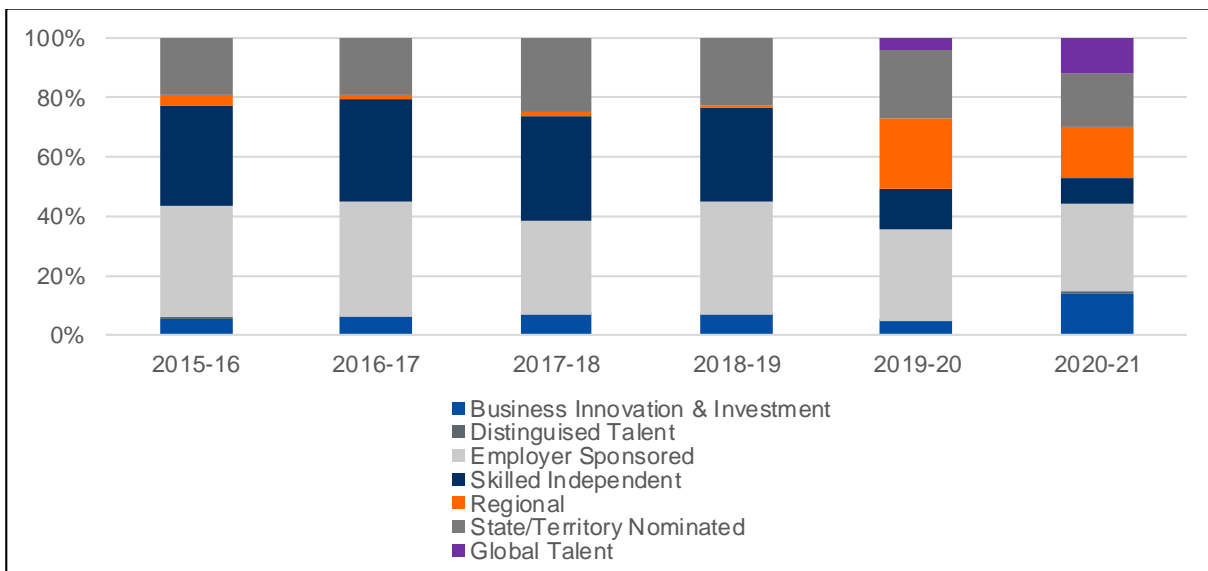
capital attributes and ability to contribute to the Australian economy and labour market in the longer term. Many of them, including entrepreneur, investor and business migrants, are expected to be ‘job multipliers’ by creating quality jobs for Australians.

91. The skilled stream includes the following visa categories:

- General skilled migration, for skilled workers who do not have an employer sponsoring them, but possess desirable skills and attributes and are able to pass the points test. This category includes the skilled independent and state and territory nominated visas
- Employer sponsored migration, for applicants who are sponsored by an employer. This category includes regional employer sponsored visas and visas granted under a Labour Agreement
- Business and investment migration, which encourages successful business people to settle in Australia and develop new business opportunities
- Global and Distinguished Talent, for individuals who are internationally recognised as outstanding in their field.

92. Skilled migration program outcomes by category for the previous six years are outlined in Figure 10.

Figure 10: Composition of the Skilled Migration Program, 2015-16 to 2020-21



Source: Department of Home Affairs, 2021

93. The 2021-22 Migration Program Skill stream has been set at 79,600 places. Priority will be given to visa cohorts with medical and other skills to support the pandemic response and migrants who will drive economic growth and investment, and provide critical skills to support Australia’s economic recovery. The three priority categories within the Skill stream in 2021-22 are the Business Innovation and Investment Program, Global Talent Program and Employer Sponsored Program.

94. Applicants in Australia are being prioritised over applicants outside Australia to assist in stabilising NOM.

Business Innovation and Investment Program

95. The Business Innovation and Investment Program (BIIP) targets migrants who have a demonstrated history of success or talent in innovation, investment and business and are able to make a significant contribution to the national innovation system and the economy more broadly.
96. Migrants under the BIIP are required to make certain investments while on a provisional visa before being eligible to transition to a permanent visa.
97. Places for BIIP visas have been maintained at 13,500 in 2021-22, reflecting the importance of the program in driving investment into the Australian economy and creating jobs for Australians in the context of the economic recovery from the pandemic.
98. The BIIP is attractive to business and investor migrants internationally and demand for visas has exceeded the number of places available. As at 31 August 2021, there were 30,423 first stage (excluding extensions) applications on hand.
99. On 1 July 2021 changes were made to the BIIP and the Complying Investment Framework (CIF) to support Australia's post-COVID-19 economic recovery by focusing on streams with measurable outcomes, and on investments that directly contribute to innovation, job creation and growing emerging businesses. The changes included:
 - Simplifying the program to four provisional to permanent visa streams: Business Innovation, Entrepreneur, Investor, and Significant Investor. Provisional visas are valid for five years, and visa holders are able to apply for permanent residence after three years if they meet the requirements.
 - Introducing the Complying Investment Framework (CIF) to the Investor visa, and changing the CIF investment composition (for both the Investor and Significant Investor visas).
 - Increasing the investment amount for the Investor visa from \$1.5 million to \$2.5 million.
 - Requiring Business Innovation visa applicants to hold business assets of \$1.25 million (up from \$800,000) and have an annual turnover of \$750,000 (up from \$500,000).
 - Removing the \$200,000 funding requirement for Entrepreneur visa applicants and introducing a requirement for applicants to be endorsed by a state or territory government.

Global Talent

100. The Global Talent Visa Program (GTVP) aims to attract talented migrants of the highest calibre, with entrepreneurial ideas and cutting-edge skills within target industry sectors, who can relocate to Australia and contribute to the economy by driving innovation and supporting the creation of local jobs.
101. Departmental Global Talent officers in Australia and key overseas locations work with universities, professional associations and businesses to identify and market the GTVP to exceptional candidates in key target sectors.
102. To further Australia's efforts to attract global talent, the Government established the Global Business and Talent Attraction Taskforce, hosted by the Department in partnership with Austrade, and drawing from expertise across government and from the private sector. The Taskforce's objective is to attract high-value, pioneering businesses and exceptionally talented individuals to Australia, along with their ideas, networks and capital.

103. There are two pathways for the Global Talent (subclass 858) visa:

- The Global Talent pathway is a two-stage, prioritised pathway for individuals who receive an invitation based on achievements in one of the priority sectors and their ability to earn an income at least at the Fair Work High Income Threshold²¹ in Australia. Candidates under the Global Talent pathway submit an EOI for consideration for invitation.
- The Distinguished Talent pathway is for other extremely talented individuals who have an internationally recognised record of exceptional and outstanding achievements in either a profession; a sport; the arts; or academia and research.

104. EOIs for the Global Talent pathway are subject to rigorous assessment, including integrity checks to verify supporting information and documentation. Since 1 July 2020, 41.4 per cent of EOIs assessed resulted in an invitation to apply for a visa (see Table 10). Global Talent visa applicants who are invited to apply through the Global Talent pathway receive priority processing. In the 2020-21 program year to 31 August 2021, the processing time was 66 days (75th percentile, see Table 11).

Table 10: Global Talent Visa Program EOI assessment outcomes as at 31 August 2021

Program year	Invited	%	Not invited	%	Total
2020-2021	4,143	41.3%	5,886	58.7%	10,029
2021-2022	479	42.4%	650	57.6%	1,129
Total	4,622	41.4%	6,536	58.6%	11,158

Source: Department of Home Affairs, 2021

Table 11: Global Talent Visa Program average visa processing time for applications finalised between 1 July 2021 and 31 August 2021

Stream	75th percentile	90th percentile
Global Talent pathway	66 days	112 days

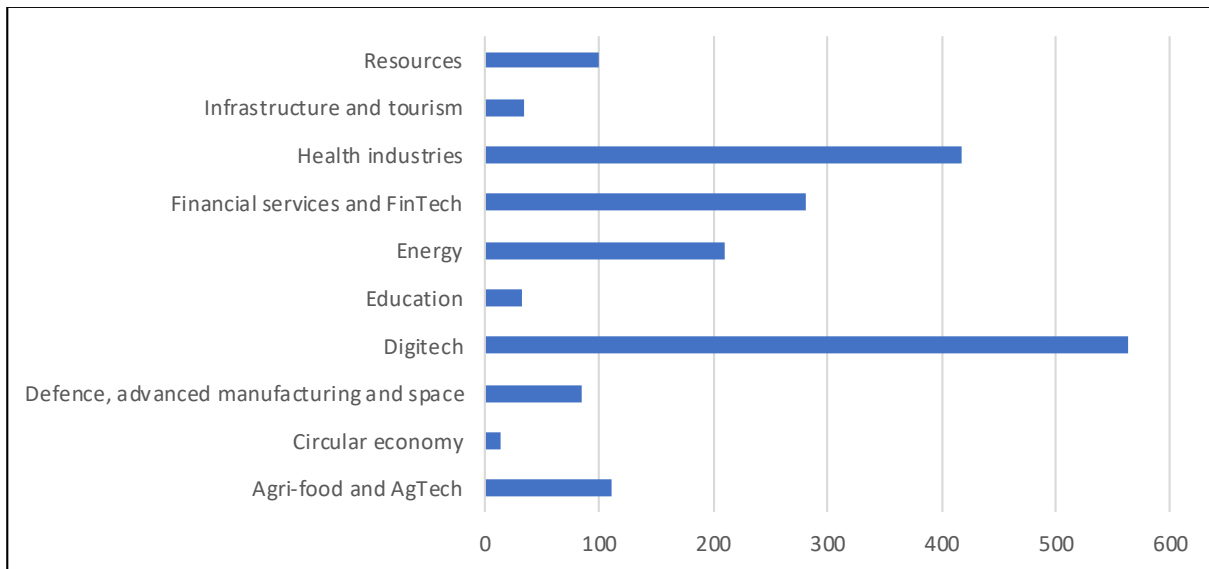
Source: Department of Home Affairs, 2021

105. In 2021-22, 15,000 places have been allocated for the Global Talent program within the Migration Program. As at 31 August 2021, 1,420 applications had been lodged and 1,800 individuals granted visas under the 2021-22 GTVP. During this period, 57.6 per cent EOIs assessed resulted in a closed or finalised without invitation outcome (see Table 10).

106. The current priority sectors are: Resources; Agri-food and AgTech; Energy; Health industries; Defence, advanced manufacturing and space; Circular economy; DigiTech; Infrastructure and tourism; Financial Services and FinTech; and Education. As at 31 August 2021, the majority of visas granted under GTVP program were in the DigiTech sector, followed by the Health sector industries (see Figure 11).

²¹ Currently \$158,500 and adjusted annually on 1 July.

Figure 11: Global Talent Visa Program, grants by sector as at 31 August 2021²²



Source: Department of Home Affairs, 2021

Employer Sponsorship

107. The Employer Sponsored program drives high workforce participation and provides businesses with access to critical skills where no skilled Australian worker is available.
108. In September 2020, a Priority Migration Skilled Occupation List (PMSOL) was introduced as a temporary measure to prioritise occupations that are considered to be critical for economic recovery from the impacts of COVID-19, based on expert labour market advice from the National Skills Commission. The PMSOL is reviewed on a regular basis and adjusted as Australia recovers from the pandemic.
109. Permanent and temporary employer sponsored visa applications involving PMSOL occupations receive priority processing and may be considered for exemption from travel restrictions. The PMSOL does not apply to other visa types, nor does it replace the existing skilled migration occupation lists; these remain active, although as the processing of these applications is at a lower priority, processing times will be longer for these applications than for prioritised applications. Applications relating to PMSOL occupations are generally processed in three to six months.

Regional Migration

110. Immigration to regional Australia assists in meeting local workforce and demographic needs. Temporary, provisional and permanent regional skilled visa options are available. The Department has appointed Regional Outreach Officers to support regional engagement and to help regional businesses to understand what visas are available when they cannot find Australian employees.
111. In 2021-22, 11,200 places have been allocated for the Skilled Regional visa programs.

²² This graph reflects the Global Talent Visa Program priority sectors in place since 17 December 2020.

Table 12: Number of applications lodged for Regional visas, 2020-21 and 2021-22 (to 31 August 2021)

Visa	2020-21	2021-22 (to 31/08/2021)
Skilled Work Regional (Provisional) visa (subclass 491)	16,019	3,574
Skilled Employer Sponsored Regional (Provisional) visa (subclass 494)	1,890	398
Total	17,909	3,972

Source: Department of Home Affairs, 2021

Table 13: Number of applications finalised for Regional visas, 2020-21 and 2021-22 (to 31 August 2021)

Visa	Outcome	2020-21	2021-22 (to 31/08/2021)
Skilled Work Regional (Provisional) visa (subclass 491)	Granted	8,930	1,450
	Refused and Withdrawn	264	87
	<i>Sub total</i>	<i>9,194</i>	<i>1,537</i>
Skilled Employer Sponsored Regional (Provisional) visa (subclass 494)	Granted	1,425	303
	Refused and Withdrawn	85	45
	<i>Sub total</i>	<i>1,510</i>	<i>348</i>
Total		10,704	1,885

Source: Department of Home Affairs, 2021

Designated Area Migration Agreements

112. Designated Area Migration Agreements (DAMAs) are tailored agreements that enable designated regions to respond to their unique economic circumstances and workforce shortages by accessing overseas workers for skilled or semi-skilled vacancies. Employers are able to sponsor workers, via a DAMA Labour Agreement, under temporary, provisional or permanent visas (depending on the circumstances), with a range of concessions not available under the standard visa programs. Some standard requirements, including payment of the SAF levy and demonstration of genuine labour market need, must be met.

113. Currently seven DAMAs are in place, in:

- the Northern Territory
- the Goldfields in Western Australia
- the Great South Coast in Victoria
- Adelaide City
- regional South Australia
- Orana, New South Wales
- Far North Queensland

114. The Department is engaging with a number of other interested regional areas and two have now submitted formal business cases.

115. As at 31 August 2021, 353 labour agreement requests had been lodged under DAMAs. The number of nominations available for overseas workers under each existing DAMA ranges from 100 to 750 per year. A total of 422 visas had been granted under a DAMA.

116. The number of visa grants under each DAMA reflects individual employer demand in those areas. In some circumstances, there are long lead up times for newly established DAMAs, as this is dependent on the participation of employers.
117. The Department's experience is that DAMAs take time to become established within a region as employers become familiar with the agreement and then request a labour agreement.

Family Program

118. Australia's Family Migration Program facilitates the reunification of family members of Australian citizens, permanent residents and eligible New Zealand citizens (Australian sponsors). Family migration plays an important role in delivering social outcomes for Australia and contributes to social cohesion by strengthening family and community bonds in Australia.
119. The permanent Family Migration Program is comprised of four categories:
- the Partner category, which allows Australian sponsors to sponsor their spouse, de facto partner or prospective partner to live in Australia
 - the Parent category, which is comprised of Non-Contributory and Contributory Parent visas, allowing for parents to stay in Australia with their Australian sponsor children
 - the Other Family category, which allows family members to sponsor carers, remaining relatives, aged dependent relatives or orphan relatives to live with them in Australia
 - the Child category, which allows parents to sponsor their dependent or adopted child to live with them in Australia. While the Child category is counted towards overall Migration numbers, it is managed outside of the Migration Program and is demand-driven and not subject to a ceiling.

Family Migration: Capping and queuing and priority processing

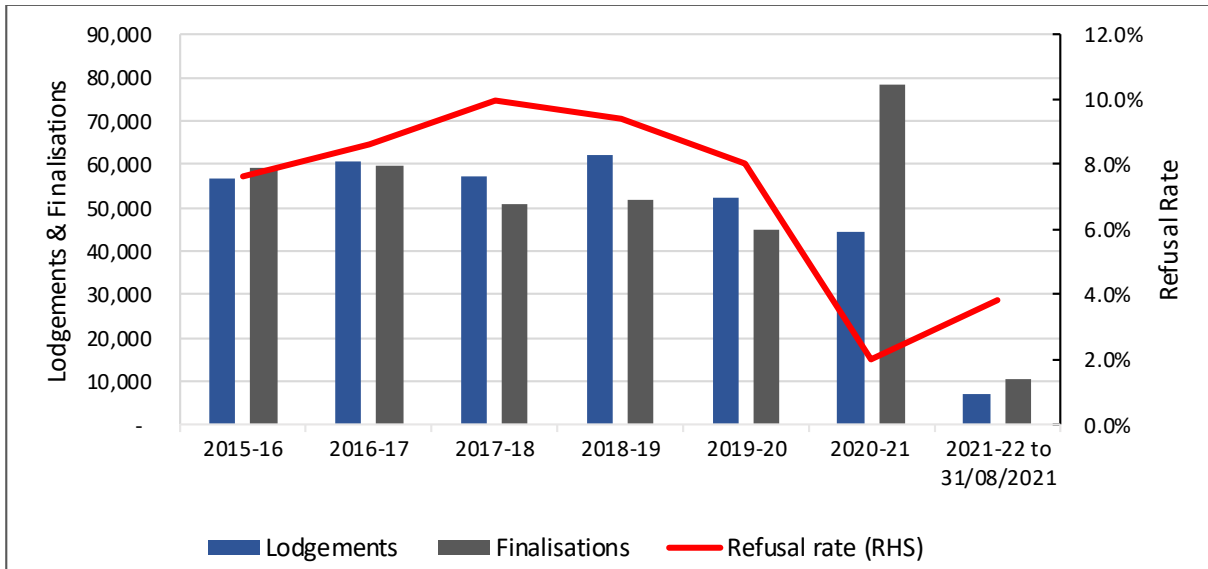
120. Section 85 of the Migration Act allows the Minister to determine the maximum number of visas which may be granted in each financial year in certain visa classes, including Parent and Other Family visas. If a visa class has been 'capped' this means that if the number of visas granted within that year reaches the maximum number determined by the Minister, no more visas of that class may be granted in that year. Those visa applications will be 'queued' for further processing in the next financial year.
121. The 'cap and queue' power allows the annual Migration Program to be managed more efficiently by:
- limiting the number of visas that may be granted under a specific class, while queueing additional applications which meet the core criteria for possible visa grant in a later year
 - ensuring that applications which do not meet the core criteria for a visa can be refused and do not remain in the queue for years before a decision is made on their application.
122. Section 87 of the Act prevents capping of the Partner or Child visa categories and these visas have never been capped. There is, however, scope in administering the program to consider planning levels and prioritise processing accordingly.
123. The high level of demand for Family category, including Partner visas, has created a need to manage the consideration and finalisation of Family stream applications in an orderly fashion. Under section 51 of the Act, the Minister may consider visa applications in such order as he or she considers appropriate. Section 51 provides scope to consider planning levels when processing visa applications and to prioritise the processing and granting of those visas accordingly.

124. Ministerial Direction 80 provides the order for considering and disposing of Family visa applications and reflects the Government's policy intentions in relation to the size, composition and integrity of the Migration Program, and the management of Australia's borders.
125. The Direction sets out the Family Program processing priorities from highest to lowest as follows:
- Applications where the Minister has exercised powers of intervention under sections 351 and 417 of the Act
 - Partner, Prospective Marriage and Child visa applications
 - Orphan Relative visa applicants
 - Contributory Parent and Contributory Aged Parent visa applications;
 - Carer visa applications
 - Parent, Aged Parent, Remaining Relative and Aged Dependent Relative visa applications
 - Visa applications in which the sponsor is a person who entered Australia as an Illegal Maritime Arrival (IMA) and holds a permanent visa.

Partner visas

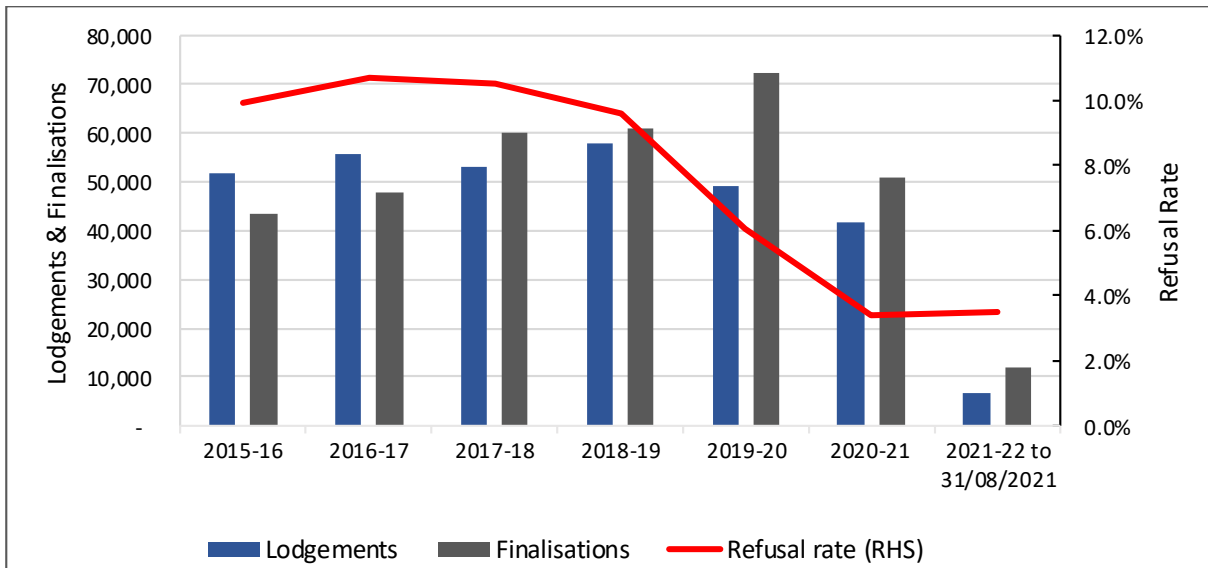
126. The Partner category has consistently made up the majority of Australia's Family Migration Program, for example, from 24,600 (or 72 per cent) of planned places for program year 2000-2001, to 39,799 (or 83 per cent) of planned places in 2019-20. Since July 2020, the increased planning levels for Partner visas (see paragraph 86) have supported the reunification of Australians with immediate family members during the COVID-19 pandemic. In 2020-21, the Department approved around 72,300 Partner visas, which was the largest Partner Program delivered in over 25 years.
127. Partner visas are subject to a two stage processing arrangement, with applicants lodging an application for a temporary and permanent Partner visa at the one time. The two stage model exists to ensure that only applicants in genuine and ongoing relationships are eligible for the benefits of permanent residence. As part of the two stage process, most applicants become eligible to be considered for the permanent visa two years after lodgment of the combined application. Partner visa applicants must meet all requirements in migration legislation, including assessment of their relationship, character, identity, health and security criteria.
128. The expanded Partner planning level for 2020-21 enabled the Department to reduce the size of the Partner visa pipeline. In 2021-22, there will be an increased focus on reducing this pipeline and the second stage Partner pipeline which increased in line with the delivery of the large Partner (first stage) program in 2020-21. As at 31 August 2021 there were approximately 49,900 second stage eligible permanent Partner visa applications on hand.

Figure 12: First Stage Partner visa program trends, 2015-16 to 2021-22 (to 31 August 2021)



Source: Department of Home Affairs, 2021

Figure 13: Second Stage Partner visa program trends, 2015-16 to 2021-22 (to 31 August 2021)



Source: Department of Home Affairs, 2021

Parent visas

129. The planning level for Parent visas has been retained at 4,500 places in 2021 -22.

130. Parent category applications are subject to capping and queueing arrangements. Parent visa applications progress to a queue assessment in the order they are received. However, where an applicant for a Parent or Aged Parent visa applies for a Contributory (Aged) Parent visa, the date of lodgement will be considered to be the date of lodgement of the new Contributory (Aged) Parent visa application.

131. The Parent queue is ongoing and establishes an order of precedence that can stretch many years into the future. When a visa place becomes available under the Migration Program, applications are released for final processing in order of the queue date allocated to an application (other than where the Minister has exercised an intervention power under sections 351 or 417 of the Act to grant a visa, or where the Administrative Appeals Tribunal has remitted the application to the Department).

132. The Department releases more applications from the queue than there are places available under the Migration Program to account for the fact that some applicants may not be able to satisfy the outstanding visa requirements and will no longer be eligible to be granted a visa. Consequently, there is no guarantee that the visa will be granted within the same program year as an application is released from the queue.

Sponsored Parent (Temporary) Visa

133. In addition to permanent Parent visas, the Sponsored Parent Temporary Visa (SPTV) provides a short-term family reunification option for parents of Australian sponsors. The SPTV, is a temporary visa and not subject to the capping and queuing arrangement.

134. There are 15,000 places available annually under the SPTV. Holders of, or applicants for, a SPTV are unable to make another permanent or temporary Parent visa application. SPTV visa applications must be lodged from outside Australia within six months of sponsorship approval, unless the visa applicant has permission to apply in Australia.

Child visas

135. The Child category in the Migration Program, allows children to be sponsored to live permanently in Australia. Generally, children are sponsored by their biological or adoptive parents. However, a small cohort of children are processed in the Child program who are in the care of a State or Territory Government Welfare Authority.

136. Child visas are demand-driven and not subject to a planning level, but are included in the total Migration Program numbers.

Processing times

137. Processing times for the Family Stream are impacted by a range of factors, including the number of places the Government allocates to a program each year, and the level of demand for each visa category. Processing times are published on the Department's website at <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/global-visa-processing-times>.

COVID-19 concessions

138. A number of legislative amendments have been made to assist Family visa holders and applicants adversely impacted by COVID-19 related travel restrictions. These included amendments to the requirement to be in or outside Australia at the time of visa grant, visa validity extensions and visa application charge refunds.

139. SPTV holders who were outside Australia on 1 July 2021 have been given an 18 month visa extension. This concession aims to assist SPTV holders who could not spend the full 3 or 5 years on their visa in Australia due to COVID-19 travel restrictions. Sponsorship duration for SPTV Sponsors have also been extended for the same 18-month period.

Family Violence Provisions

140. Within the Partner program, the Department manages the Family Violence Provisions that allow Partner visa applicants in Australia to be granted permanent residence if their relationship has broken down and they have suffered domestic or family violence (DFV) perpetrated by the sponsor. In the 2020-21 program year, 729 Partner visa applicants sought access to the family violence provisions and 475 permanent Partner visas were granted based on claims of family violence.

141. The Department's Community Liaison Officer Network connects with multicultural communities, DFV service providers and government partners and has continued to provide information sessions throughout the COVID-19 period.

Humanitarian Program

142. Australia is consistently ranked among the world's most generous refugee resettlement countries, successfully resettling more than 920,000 refugees and others in humanitarian need since the end of the Second World War. The Humanitarian Program aims to:

- provide permanent resettlement to those most in need
- reunite refugees, and people in refugee-like situations overseas, with their family in Australia
- use resettlement strategically to help stabilise refugee populations, reduce the prospect of irregular movement from source countries and countries of first asylum, and support broader international protection efforts
- fulfil Australia's international protection obligations.

143. The Humanitarian Program includes an offshore stream for refugees and other displaced people in humanitarian need seeking resettlement in Australia and an onshore protection stream for people who have travelled lawfully to Australia who engage Australia's international protection obligations.

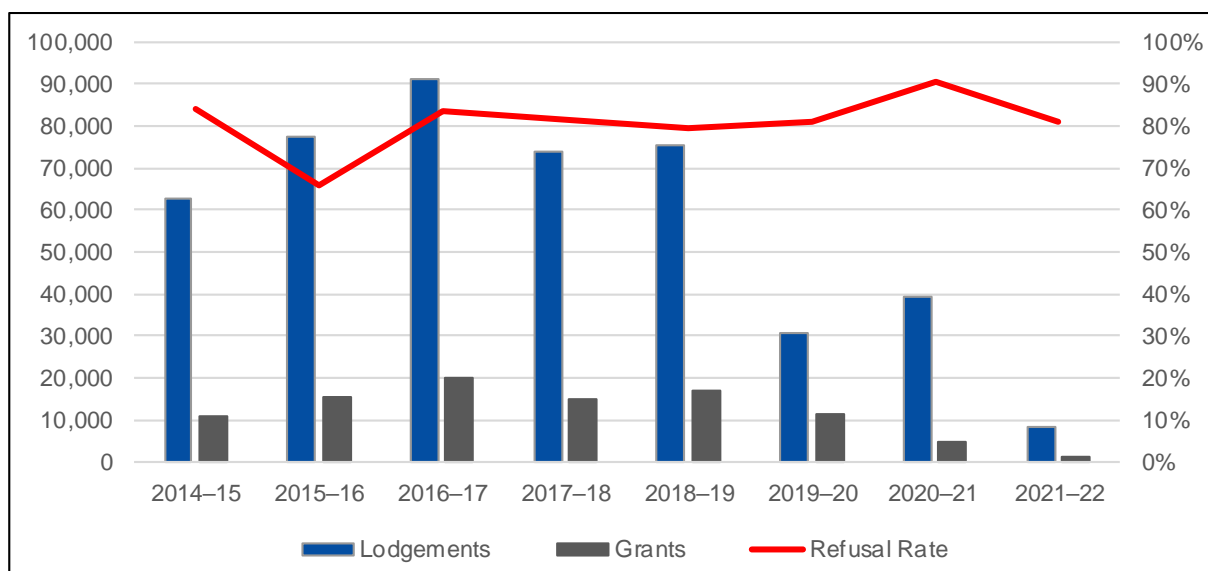
144. The 2020-21 Humanitarian Program, set at a ceiling of 13,750 planned places, was not delivered in full, which reflected the global impacts of COVID 19. In all, 5,947 visas were granted under the 2020-21 Humanitarian Program.

- Of the 11,750 places nominally set aside for the offshore (resettlement) component of the Program, 4,558 were delivered.
- Of the 2,000 places nominally set aside for the onshore (protection) component of the Program, 1,389 were delivered.

145. The Humanitarian Program for 2021-22 has also been set at ceiling of 13,750 places. This maintains our long term commitment to a generous resettlement program while also taking account of the continuing challenges associated with COVID-19. Australia's program will be one of the largest resettlement programs on both an absolute and per capita basis.

Offshore Humanitarian visas

Figure 14: Offshore Humanitarian program trends, 2014-15 to 2021-22 (to 31 August 2021)



Source: Department of Home Affairs, 2021

146. There are ongoing challenges to program delivery as a result of continuing restrictions on Australia's offshore activities and partner agencies due to COVID-19, such as an inability to conduct interviews or secure medical clearances. 1353 Humanitarian (Class XB) visas were granted between 1 July 2021 and 31 August 2021. During the same period, around 650 Humanitarian (Class XB) visa holders arrived as emergency arrivals.

Australia's evacuation response in Afghanistan

147. The Government's military air evacuation operation in Afghanistan was one of the largest humanitarian airlift operations in Australia's history. Between 18 and 26 August 2021, around 4,100 people were evacuated on 32 flights from Kabul. This included Australian citizens, permanent residents, visa holders and former Locally Engaged Employees (LEE). More than 3,900 people have arrived in Australia following completion of rest and recovery periods and health and security checks.

148. The Temporary Safe Haven Visa (subclass 449) is being used for Afghan LEEs and other priority Afghan nationals, to facilitate their safe evacuation to Australia as quickly as possible. In response to the crisis, and within a very short period of time, more than 5,000 people have been granted subclass 449 visas. The Government is considering potential visa pathways for evacuees who have arrived in Australia on this visa, and will ensure continued access to appropriate settlement and social services support. The most appropriate visa pathway will depend on the individual circumstances of each case.

Dedicated humanitarian places for Afghan nationals

149. An initial 3,000 humanitarian places have been allocated to Afghan nationals within Australia's annual program. The Government anticipates this initial allocation will increase over the course of 2021-22. The Department will continue to work with the Afghan community in Australia and the United Nations High Commissioner for Refugees (UNHCR) to identify those Afghans most in need.

Settlement services for evacuees and humanitarian entrants

150. Afghan evacuees and other humanitarian entrants are offered immediate settlement support through the Humanitarian Settlement Program (HSP) to help access essential services and integrate into Australian life. The HSP is delivered by contracted service providers that have long standing experience working with new arrivals.
151. HSP service providers deliver settlement-related support to Afghan evacuees and humanitarian entrants while in hotel quarantine to complement the essential services managed by state and territory quarantine facilities.
152. On exit from quarantine, early support available through the HSP includes a package of food and essential items as well as help to secure housing, access health services, and register with Centrelink and Medicare, subject to eligibility criteria.
153. Based on their individual level of assessed need, most clients continue to receive support from the HSP for up to 18 months, during which time they will be assisted to:
 - find long term accommodation, and be provided with a package of basic household goods to establish their new home
 - access mainstream and specialist support services, for example family and domestic violence services
 - learn English through the Adult Migrant English Program
 - access employment services, education and training
 - complete school enrolment for children
 - connect to local community groups and activities, and
 - orientate to Australia, including our values and laws.
154. On 14 October 2021, the Government announced new funding of \$27.1 million over two years for a tailored Afghan settlement support package, to help recent evacuees from Afghanistan settle successfully into their new lives in Australia. The package includes support to Afghan-Australian community organisations to deliver community-based settlement support; funding for legal services to assist evacuees to transition to permanent visas; funding for skills recognition and education pathways to help secure a suitable entry into the Australian labour market, and funding for targeted mental health services through the Program of Assistance for Survivors of Torture and Trauma.

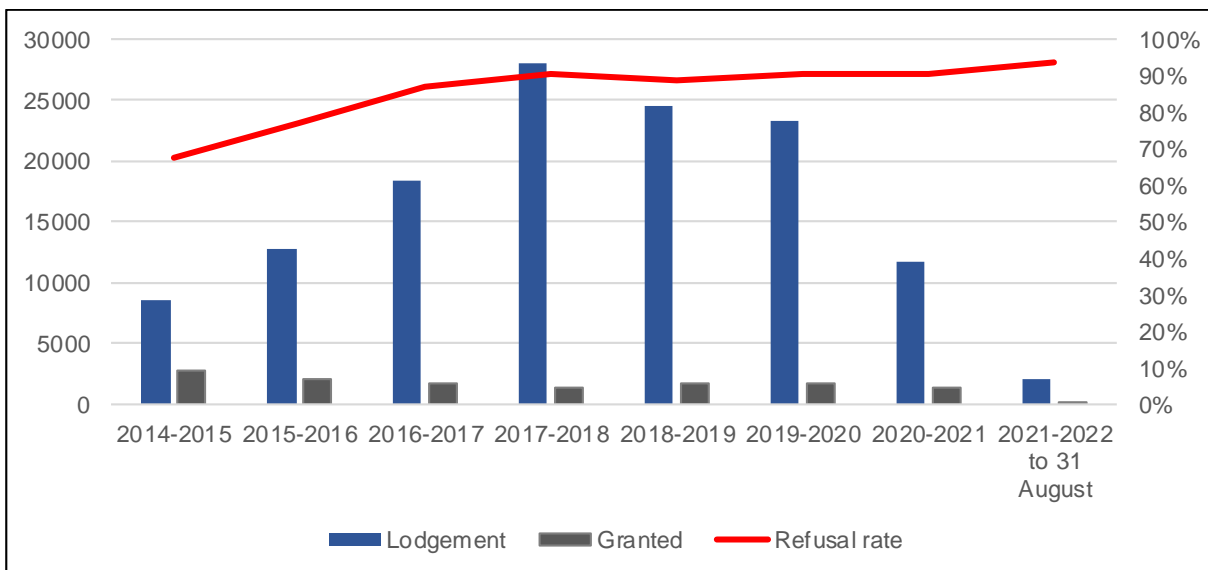
Unaccompanied Humanitarian Minors

155. The Unaccompanied Humanitarian Minor (UHM) Program provides care and accommodation to eligible non-citizen children who arrive in Australia without a parent. Some unaccompanied minors receiving services under the UHM Program are under the Minister's guardianship under the *Immigration (Guardianship of Children Act) 1946*. Currently, there are 163 minors receiving UHM Program services in Australia, 57 of whom are under the Minister's guardianship.
156. There were 76 offshore Humanitarian (Class XB) visa grants to unaccompanied minors in 2018-19, 40 grants in 2019-20, 7 grants in 2020-21, and 11 grants in 2021-22 to 31 August 2021.

Onshore Protection

157. There has always been a small proportion of people who arrive on temporary visas and subsequently seek Australia’s protection. In line with Australia’s commitment to upholding its international protection obligations, those who seek protection undergo a thorough assessment to determine whether they engage these obligations.
158. From about 48 million temporary visas granted between 1 July 2014 and 31 August 2021, about 129,000 Protection visa applications were subsequently lodged (representing about 121,000 individual applicants). This equates to about 0.26 per cent of total temporary visa grants.
159. More than 94 per cent of the individuals who applied for protection in the same period have either departed Australia, been granted a visa, or remain lawfully here while they have ongoing matters before the Department or under a merits review or judicial review. Individuals who do not have a valid visa and have no matters ongoing are expected to either voluntarily return home or be removed from Australia by the ABF.
160. Australia’s experience, and that of similar countries, is that there are differing motivations for seeking protection within this caseload. While a proportion of applicants claim protection because they genuinely fear they will face serious or significant harm if returned to their home country, many others apply for another purpose, including to prolong their stay to access the Australian labour market or because of the comparatively better life opportunities Australia offers.
161. The Department has consistently refused about 90 per cent of applications for a permanent Protection visa since 2017-18 (see Figure 15). The number of applications lodged has trended downwards since then, reflecting the implementation of strategies to prevent people from exploiting the program to prolong their stay, and has significantly reduced in 2020-21 and for the first quarter of 2021-22 as a consequence of ongoing travel restrictions.

Figure 15: Onshore Protection program trends, 2014-15 to 2021-22 (to 31 August 2021)



Source: Department of Home Affairs, 2021

162. The Department uses a holistic approach to detect, disrupt and respond to fraud and other attempts to undermine the integrity of the onshore Protection program. This includes intelligence-informed risk profiling of visa applications, disrupting non-genuine travel through the ABF’s network of airline liaison officers, and ABF enforcement action onshore.

163. The information available to the Department indicates that most applications for protection involve individuals opportunistically seeking entry to Australia. The Department has however, also detected individuals who have sought to ‘facilitate’ entry to Australia through unlawful providers of immigration assistance. More information on these and related matters are detailed in the modern slavery, human trafficking, people smuggling and migrant worker exploitation sections of this paper.

IMA Legacy Caseload

164. People who arrive in Australia unlawfully (without a valid visa), whether by air or sea, and seek protection can only be granted a temporary visa – either a Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV). These visas are not counted towards the Humanitarian Program ceiling.

165. When temporary protection visas were re-introduced in 2014, there were approximately 30,000 illegal maritime arrivals (IMAs) in Australia seeking protection. This cohort is referred to as the IMA Legacy caseload. At 31 August 2021, the IMA Legacy Caseload is 32,514 cases. Of these:

- 30,154 cases have been decided or otherwise resolved (approximately 92.7 per cent of the caseload):
 - 18,680 have been granted a visa, comprising 5,542 TPV and 13,138 SHEV grants
 - 9,060 have been refused post-merits review
 - 1,056 have been refused and are seeking merits review
 - 1,358 have been otherwise resolved (including IMAs who have departed before a final determination, failed to lodge or withdrawn an application).
- 2,360 cases are on-hand with the Department. Of these, 2,238 are completing a primary assessment and 122 cases are under review following remittal to the department by a merits review body or court.

166. TPVs and SHEVs are valid for three and five years respectively. IMAs who continue to seek Australia’s protection, must apply for a further TPV or SHEV before their current visa ceases. As at 31 August 2021, 4,747 subsequent TPV and SHEV applications have been received, 658 subsequent visas granted, and no applications refused.

Australian Citizenship Program

167. Migrants who become Australian citizens make an ongoing commitment to Australia and its values. Citizenship entails additional responsibilities to the Australian community as well as individual privileges.

168. Applications for Australian citizenship generally fall within four categories: conferral (the most common way of acquiring citizenship through application, representing approximately 90 per cent of all applications), descent, adoption and resumption.

- More than 140,000 people (140,748) acquired Australian citizenship in the 2020-21 program year.

Citizenship by conferral

169. Australian citizenship by conferral is available to permanent residents and eligible New Zealand citizens who meet relevant eligibility requirements, including residence, knowledge of Australia, language and character requirements.
170. More than 183,000 citizenship by conferral applications were finalised in 2020-21, a decrease of 20 per cent in comparison to the 2019-20 program year.
171. In 2021-22 to 31 August 2021, more than 30,700 citizenship by conferral applications have been finalised, representing an increase of 243 per cent in comparison to the same period in the 2020-21 program year (see Table 14).

Table 14: Number of Australian citizenship by conferral applications finalised, by decision type and financial year, 2011-12 to 2021-22 (to 31 August 2021)²³

Financial year	Approved	Refused	Invalid	Other ²⁴	Total
2011-12	95,837	2,208	13,897	763	112,705
2012-13	137,079	3,270	16,561	643	157,553
2013-14	158,907	5,728	26,611	783	192,029
2014-15	148,862	5,197	34,987	795	189,841
2015-16	129,515	4,749	32,612	792	167,668
2016-17	127,013	4,089	22,035	742	153,879
2017-18	80,776	4,956	14,998	692	101,422
2018-19	145,587	7,590	5,713	1,227	160,117
2019-20	215,394	8,762	2,179	1,988	228,323
2020-21	170,645	7,957	1,782	2,831	183,215
2021-22 (to 31/08/2021)	28,528	1,369	539	312	30,748

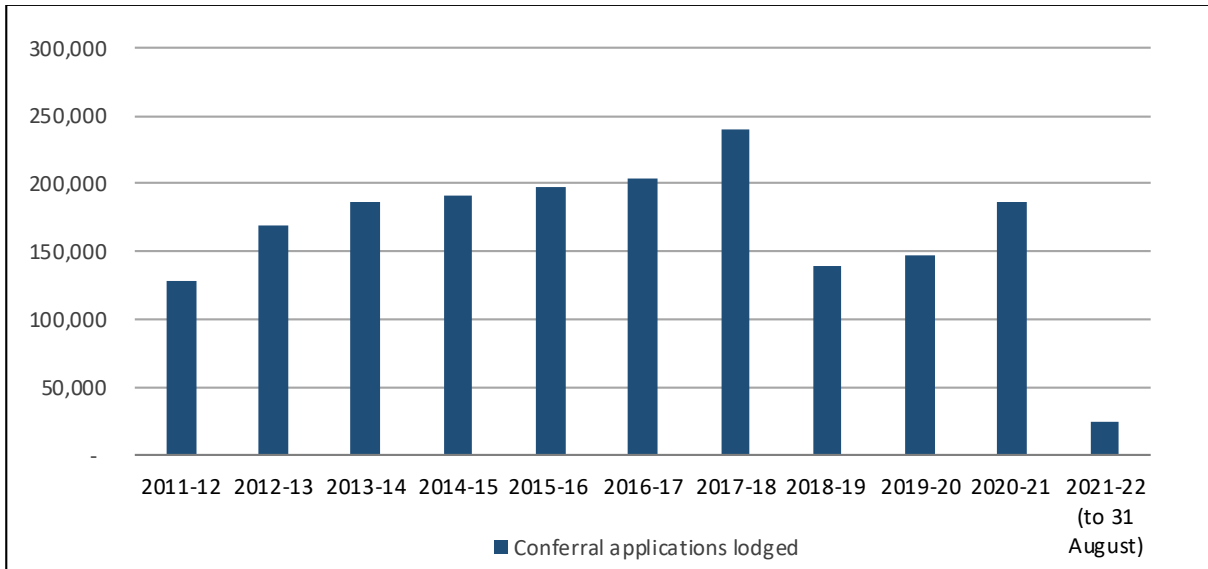
Source: **Department of Home Affairs, 2021**

172. Once citizenship is conferred, it can be revoked only in extremely limited circumstances. From July 2014 to 31 August 2021, 49 individuals had their Australian citizenship revoked for criminal conduct, including for citizenship or migration fraud.
173. The Citizenship Program has experienced steady growth through the COVID-19 period (see Figure 16). Lodgement of applications for citizenship by conferral increased by 27 per cent in 2020-21 compared to the 2019-20 program year.

²³ Data may differ from previous or other reports due to the use of dynamic database in the current financial year.

²⁴ Includes applications withdrawn by the client and minor numbers of administrative finalisations.

Figure 16: Citizenship by conferral lodgement trends, 2011-12 to 2021-22 (to 31 August 2021)



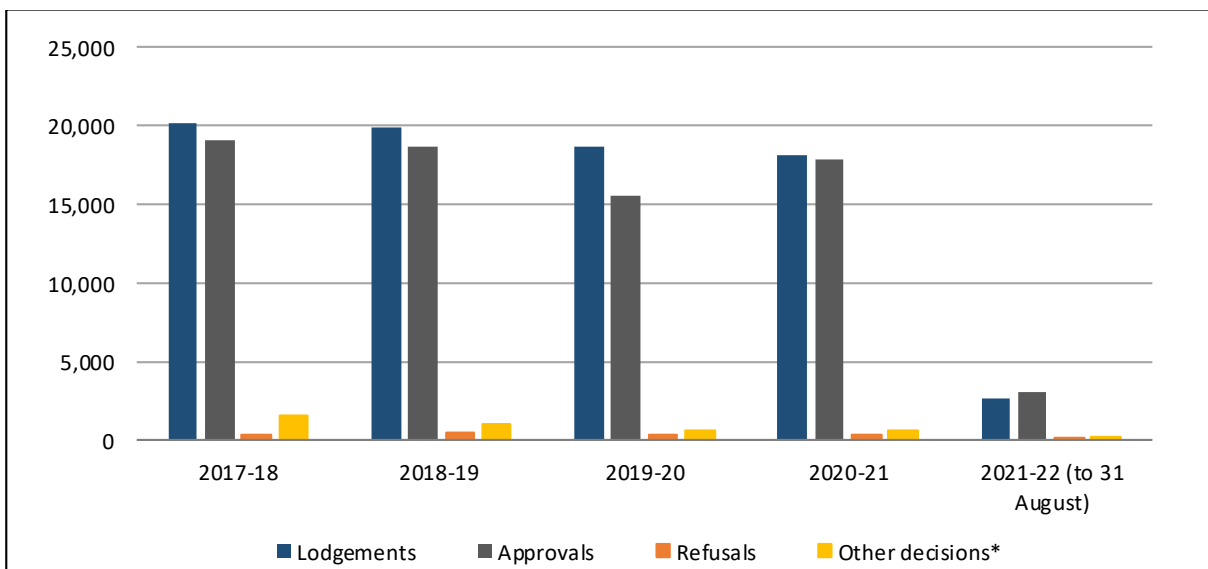
Source: Department of Home Affairs, 2021

Citizenship by descent

174. People born outside of Australia, who at the time of their birth had a parent who was an Australian citizen (or the parent later became an Australian citizen on 26 January 1949), may apply for Australian citizenship by descent regardless of their age.

175. In 2020-21, 17,846 people acquired Australian citizenship by descent (see Figure 17 below). This represents a 15 per cent increase over the 2019-20 program year. In 2021-22 to 31 August 2021, 3,072 people acquired Australian citizenship by descent, representing a 45 per cent increase over the same period in the previous program year.

Figure 17: Citizenship by descent applications lodged and finalised, 2017-18 to 2021-22 (to 31 August 2021)²⁵



Source: Department of Home Affairs, 2021

²⁵ Other decisions include invalidated applications, applications withdrawn by the client and administrative finalisations.

176. In 2020-21, 229 children born through surrogacy arrangements were approved as Australian citizens by descent. The main countries of birth of these children were, in numerical order, the United States of America, Ukraine, Georgia, Canada, and China²⁶.

Citizenship by adoption

177. Children adopted outside of Australia by an Australian citizen under the Hague Convention or a bilateral arrangement, can obtain Australian citizenship. Thirty nine children were approved for Australian citizenship by adoption in 2020-21, a decrease from 40 in the 2019-20 program year.

Citizenship by resumption

178. People who previously renounced their Australian citizenship, or who lost it automatically under historical provisions, may apply to resume Australian citizenship if they are of good character. In 2020-21, 84 people had resumed Australian citizenship, compared to 130 for the 2019-20 program year.

Citizenship service delivery

179. Most applicants for Australian citizenship by conferral need to attend an appointment and sit the Australian citizenship test in-person. High demand for Australian citizenship combined with the increased complexity of applications and enhanced integrity checks resulted in an increase in the citizenship by conferral on-hand caseload, which peaked in July 2018.

180. Significant business improvements (including systems, processes and service delivery partnership arrangements) and the resulting efficiencies, combined with increased staffing, saw the on-hand caseload reduce by approximately 50 per cent by 31 March 2020, prior to the impacts of COVID-19.

181. In response to COVID-19 risks, citizenship test appointments and in-person citizenship ceremonies were placed on hold in March 2020, with online ceremonies introduced on 31 March 2020. In-person citizenship ceremonies recommenced in June 2020, where COVID-Safe arrangements could be met. Online ceremonies continue to occur and 102,428 people acquired Australian citizenship through online ceremonies from 31 March 2020 to 31 August 2021.

182. Citizenship test appointments recommenced in July 2020 in Perth and progressively recommenced in other locations once COVID-Safe requirements could be met. There continues to be disruptions to citizenship test appointments from time-to-time, in different locations, subject to state or territory health directives. Where this occurs, work effort is focused on finalising decision outcomes for applicants who have already sat the citizenship test, and processing applications for applicants who are not required to sit the test.

183. Notwithstanding the impacts of COVID-19 on face-to-face client services including citizenship test appointments and a 27 per cent increase in application lodgements in 2020-21 when compared to 2019-20, the citizenship by conferral on-hand caseload had decreased at 31 August 2021 and average processing times continued to improve:

- There were 133,818 applications on-hand on 31 August 2021, a 16.3 per cent decrease on the number of applications on-hand on 31 August 2020.

²⁶ "China" denotes mainland China only and does not include the special administrative regions of Hong Kong and Macau.

- The average processing time from lodgement to decision for applications decided in August 2021 was 209 days, an improvement of 37 per cent from August 2020.

Special residence requirement

184. To be approved for Australian citizenship by conferral, applicants must meet all legal requirements, including residence requirements, as set out in the *Australian Citizenship Act 2007* (the Citizenship Act). The residence requirements are specified in the Citizenship Act and there are no powers to waive residence requirements. From 13 October 2021, changes to the special residence requirement legislative instrument made under the Citizenship Act allow greater flexibility in applying the residence requirement for eligible people. These changes will mean the work and travel demands on some of the most highly distinguished prospective Australians will not preclude them from acquiring Australian citizenship.

185. The special residence requirement will be extended to:

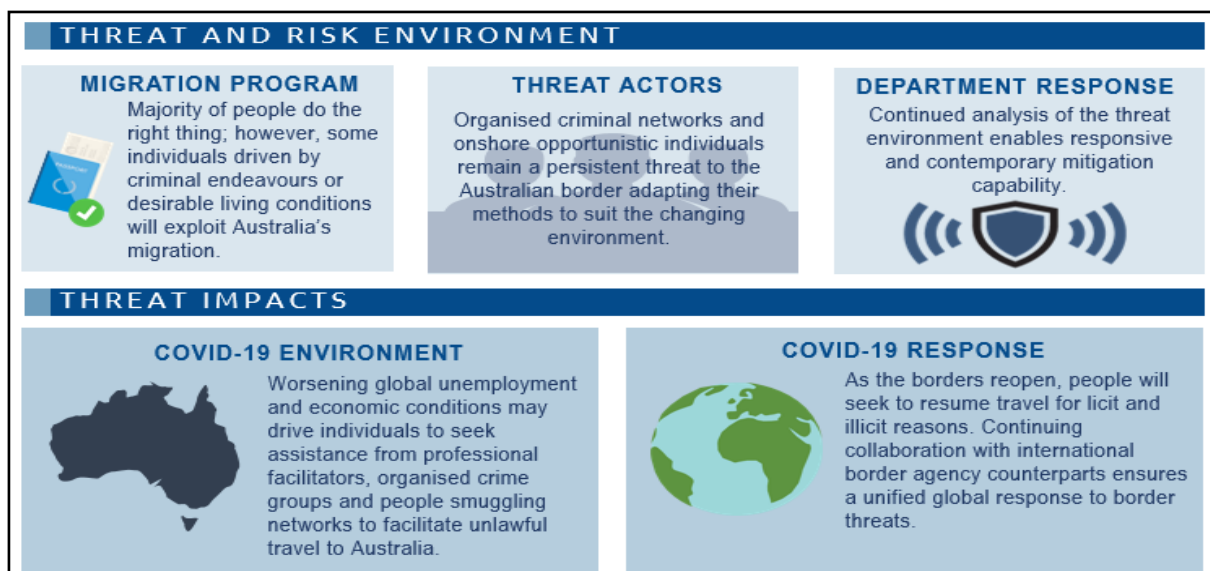
- Persons who are engaged in a particular profession, sport, the arts, or academia and research and who hold, or have held, a Distinguished Talent visa or a Global Talent (Distinguished Pathway) visa for the same activity; and
- Athletes seeking to represent Australia in the Commonwealth Games.

Managing threats, risk and community protection

Threat and risk environment

186. Australia's current travel restrictions have temporarily suppressed threats to Australia's visa and citizenship programs from individuals offshore; however, immigration-related threats and vulnerabilities continue to manifest onshore. While the majority of people who enter and remain in Australia do so for legitimate purposes, individuals – including people smugglers, professional facilitators of migration fraud, and organised crime groups – still seek to identify and exploit vulnerabilities.

187. The pandemic and ensuing global economic consequences are influencing all aspects of modern life, including the environment in which criminals operate and the means by which migration-related vulnerabilities may be exploited. Maintaining acute situational awareness is crucial to the development of resilient and responsive border management processes.



188. Country-specific pandemic recovery efforts and the extent of successful socioeconomic recovery will influence future levels of fraudulent migration to Australia. Conversely, worsening global unemployment and economic conditions may drive individuals to seek assistance from professional facilitators, organised crime groups and people smuggling networks to facilitate unlawful travel to Australia.
189. The effects of global economic downturn such as rising unemployment, financial hardship and greater competition for jobs will drive opportunities for foreign worker exploitation. In an effort to support themselves while based in Australia, vulnerable migrant cohorts such as temporary visa holders with poor English language skills, will remain susceptible to onshore worker exploitation by unscrupulous employers and labour hire intermediaries.
190. Organised criminal networks and onshore opportunistic individuals remain a persistent threat to the Australian border, adapting their exploitation methods in response to the changing environment. As Australia continues to respond to the COVID-19 pandemic, some motivated individuals, groups or actors seeking criminal or personal gain may also attempt to profit or benefit through illicit, illegal or fraudulent means – including through items like vaccines, vaccination certificates and medicines.
191. As the borders reopen, people will seek to resume travel for licit and illicit reasons. As traveller volumes, passenger screening and visa applications escalate, so too will pressures on existing border controls. Decision-making and targeted threat detection remain critical to identifying key indicators of immigration fraud for onshore exploitation purposes.

Detecting threats within the Immigration Program

192. The Department leverages its systems and data to identify threats and vulnerabilities within the Immigration Program. It targets initiatives and operational decision-making at the earliest possible point in time and throughout a non-citizen's visa pathway. Examples of how the Department is improving its capabilities to better detect threats and vulnerabilities within an evolving environment include:
- developing, improving and strengthening its targeted and layered approach to assessing individuals and border movements, supported by technology and data that is fit for purpose, agile and responsive
 - garnering and fostering collaborative efforts, engagements and partnerships with onshore and offshore agencies, leveraging their information to develop a comprehensive intelligence picture.

Biometrics and integrity screening in the Immigration Program

193. Over the past 10 years, the Department has increased its use of biometrics to facilitate legitimate trade and travel, and protect the border and community from threats including criminal activity and terrorism. Australia collects biometrics from visa applicants living in Australia and 48 other countries to detect persons of concern. The Department is expanding the biometrics collection programs to additional countries where it is safe to do so.
194. The biometrics collected from applicants are automatically checked against departmental and law enforcement data, with higher-risk cohorts checked against data held by M5 partners. Data sharing in 2019-20 and 2020-21 was impacted by COVID-19.
- In 2019-20, the Department queried more than 1.58 million fingerprint records with one or more M5 partners. In 2020-21, the Department has queried more than 0.31 million fingerprint records.

- In 2019-20, the Department received more than 0.96 million fingerprint queries from M5 partners, which resulted in a one per cent match rate. In 2020-21, the Department has received more than 0.78 million fingerprint queries from one or more M5 partners.

Modern slavery and human trafficking

195. The Department and ABF employ measures intended to detect and prevent potentially exploitative practices, such as modern slavery and human trafficking, worker exploitation, and people smuggling before travellers reach Australia. These include refusal of visa applications and of entry at an Australian airport. The ABF's network of Airline Liaison Officers may also prevent people from boarding flights to Australia.
196. In Australia, modern slavery refers to a range of serious exploitative practices, including human trafficking, slavery, and slavery-like practices (such as forced marriage, forced labour, domestic servitude and debt bondage). These are criminalised in the *Commonwealth Criminal Code Act 1995* (the Criminal Code).
197. The Government is aware of a very small proportion of non-citizens who are suspected victims of modern slavery or human trafficking, with 34 identified in 2020-21 (as at 30 June), representing 0.0026 per cent of all visas granted.
198. Between 1 July 2015 and 30 June 2021, 1,148 matters were referred to the AFP for investigation of possible modern slavery and human trafficking offences (including Australian citizens who may be victims²⁷). These include referrals made by the Department and the ABF, as well as other bodies.

People smuggling

199. People smuggling is the organised, irregular movement of people across borders on a payment-for-service basis. It is an offence under the Migration Act and the Criminal Code. The AFP leads the Australian Government's investigations into people smuggling offences.
200. The Joint Agency Task Force (JATF) Operation Sovereign Borders (OSB) was established on 18 September 2013 to implement a whole-of-government effort to combat maritime people smuggling, prevent further deaths at sea, and protect the integrity of Australia's borders. OSB is a military-led border security operation supported and assisted by a wide range of Australian Government agencies.
201. Under OSB, the Australian Government's policy is to intercept any vessel seeking to reach Australia illegally and to safely return those on board to their point of departure or country of origin. Any person who cannot be safely returned will be transferred to a regional processing country for assessment of their protection claims.
202. Since the establishment of OSB, there have been 23 successful people smuggling ventures to Australia carrying 1,309 illegal maritime arrivals and crew. The last successful maritime people smuggling venture to Australia arrived on 27 July 2014. It has been more than seven years since the last known death at sea from maritime people smuggling ventures en-route to Australia.
203. Between 18 September 2013 and 31 August 2021, Australia intercepted and safely returned 873 potential illegal immigrants (PIIs) from 38 maritime people smuggling ventures to their country of departure or their home country.

²⁷ This information was provided by the Australian Federal Police.

204. Over the same period, close cooperation with regional partners has resulted in foreign law enforcement disruptions of an additional 84 maritime people smuggling ventures, 2,674 PILs, and 634 arrests in source and transit countries²⁸.

Migrant worker exploitation

205. Migrant worker exploitation is characterised by underpaying wages (wage theft), and other violations of Australian workplace laws. The Migrant Workers' Taskforce Report²⁹ cited research that has shown that up to 50 per cent of temporary migrant workers may have been subject to underpayment³⁰.

206. Under the Commonwealth *Fair Work Act 2009* (the Fair Work Act) temporary visa holders working in Australia are entitled to the same basic rights and protections as Australian citizens and permanent residents.

207. The Attorney-General's Department and the Fair Work Ombudsman's office lead the Government's overall response to this issue. The criminalisation of wage theft is an offence managed by state governments.

208. The Department contributes to whole-of-government efforts to enhance protections for migrant workers. For example, the proposed Migration Amendment (Protecting Migrant Workers) Bill, seeks to implement recommendations 19 and 20 from the Taskforce Report. The Bill includes:

- new criminal offences to penalise employers who use the migration status of workers to exploit them in the workplace;
- a mechanism to prohibit certain employers from employing additional migrant workers for a specified period, where the employer has engaged in a serious work related breach under the Migration Act or remuneration related breach under the Fair Work Act;
- new compliance tools for the ABF, allowing them to respond proportionately to cases of non-compliance, and to help employers comply with their obligations;
- clarification and strengthening of existing obligations that require employers to conduct appropriate checks on a prospective employees' immigration status and work-related visa conditions;
- increases in some civil penalties to better align all penalties for breaches of work-related provisions in the Migration Act.

209. These new provisions build on the existing work related offences specified in the Migration Act, which seek to ensure:

- non-citizens hold visas and they comply with the visa conditions;
- employers meet their obligations to verify the status and conditions of migrant workers before allowing them to work; and
- approved business sponsors meet their sponsorship obligations.

²⁸ Statistics are provided by AFP posts, resulting from advice provided by foreign law enforcement and are indicative only as they are subject to a range of issues in terms of accuracy and quality. Post experience is that results are typically under-reported because arrests in regional locations are occasionally not reported.

²⁹ Attorney-General's Department (2019), *Report of the Migrant Workers' Taskforce* [online document], Australian Government, accessed March 2020.

³⁰ L Berg & B Farbenblum (2017), *Wage Theft in Australia: Findings of the National Temporary Migrant Work Survey* [online document], UNSW Law, Sydney and University of Technology Sydney, accessed October 2021.

210. The Department and ABF make information about worker rights and entitlements available to visa holders through visa grant notices and text messages (for WHM visa holders). Between 1 July 2014 and 31 August 2021, the ABF conducted 7,201 employer awareness activities, focusing on ensuring employers know their legal obligations and that workers hold valid visas with appropriate work rights.
211. Between 1 July 2020 and 30 June 2021, the ABF sanctioned 404 businesses for breaching their sponsorship obligations. A breach may include the sponsor not ensuring equivalent terms and conditions of employment for the visa holder, not ensuring the visa holder is working in the occupation for which they were nominated, or recovering costs from the visa holder. Sanctions include the cancellation of a sponsorship approval, barring a business from further sponsorship, issuing infringement notices, and civil prosecution. The ABF served 27 infringement notices to employers not meeting sponsorship obligations. Criminal prosecutions may also be applicable in situations in which a person offers or receives a benefit in relation to a sponsorship.
212. Since December 2018, the ABF has been engaged in a national operation (Operation BATTENRUN) targeting unscrupulous labour hire intermediaries and those who seek to exploit migrant workers. The ABF has issued warnings and infringement notices, and where appropriate cancelled visas, and detained and removed unlawful non-citizens.
213. Migrant workers and potential employers are able to verify a visa holder's immigration status and the conditions attached to their visa through the Department's Visa Entitlement Verification Online (VEVO) system. As at 30 June, 2021, a total of 131,578 organisations had registered with VEVO.
214. The Department and the Fair Work Ombudsman established an Assurance Protocol in 2017 to encourage migrant workers to report instances of exploitation. Under this Assurance Protocol, temporary visa holders who have breached the work-related conditions of their visa will generally not have their visa cancelled if they:
- believe they have been exploited at their work
 - have reported their circumstances to the Fair Work Ombudsman and are actively assisting with their inquiries
 - commit to abiding by visa conditions in the future, and
 - there are no other grounds for visa cancellation (such as on national security, character, fraud or health grounds).
215. The Assurance Protocol seeks to balance risks to the integrity of Australia's visa programs while protecting exploited migrant workers. Since it was implemented, the FWO has referred 75 visa holders to the Department under the protocol (as at 31 August 2021) and none have had their visa cancelled.

Ensuring immigration integrity and community protection

216. Heightened levels of risk and fraud have been a feature across most visa programs and, prior to COVID-19 related travel restrictions, had led to an increase in refusal decisions. Between 2015-16 and 2019-20, the refusal rate across the temporary and permanent visa programs increased from 2.5 per cent to 4.5 per cent (see Table 15).
217. Between 1 July 2015 and 31 August 2021, the Department and ABF:
- refused more than 1.51 million visa applications
 - refused the entry of 19,025 travellers at an Australian airport

- prevented more than 3,600 people from boarding flights to Australia through the ABF's network of airline liaison officers.

Table 15: Visa applications decided by program year (non-humanitarian visas)

Decision type	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22 (to 31/08/2021)
Granted or Refused	8,339,513	9,052,096	9,386,838	9,607,025	7,169,298	1,338,656	224,245
Refused only	209,657	237,154	308,150	377,469	325,637	50,956	8,154
Refusal rate	2.5%	2.6%	3.3%	3.9%	4.5%	3.8%	3.6%

Source: Department of Home Affairs, 2021

Unlawful Non-Citizens

218. An Unlawful Non-Citizen (UNC) is defined in the Migration Act as a non-citizen who is in the migration zone who is not a lawful non-citizen, meaning that they do not hold a visa that is in effect.
219. The number of UNCs in Australia as at 30 June 2021 (excluding non-citizens who may have arrived prior to the commencement of the *Migration Reform Act 1994*, which established the current legislative framework, and persons in detention) is estimated to be 73,100. This estimate is derived by matching visa grants, arrivals and departures across many departmental systems and Fact of Death data collated by individual state and territory jurisdictions, to ascertain those that may have arrived in Australia and not departed before their visa expired or cancelled.
220. Matching traveller data across different systems is inherently difficult and prone to error as people can arrive and leave on different travel documents and under different names.
221. There is also a significant amount of change within the cohort of UNCs in Australia at any one time as most non-citizens are only unlawful for a short period and either engage with the Department's Status Resolution Service to resolve their immigration status or depart voluntarily.
222. The ABF's operational activity is focused towards UNCs who pose a significant risk to the Australian community (for example those involved in organised and criminal exploitation of Australia's visa program, and foreign worker exploitation).

Cancellations

223. All non-citizens who apply for, and are granted a visa are expected to obey Australian laws and to meet, and continue to meet, character, health, identity, security and other eligibility requirements set out in the Migration Act. These requirements are intended to ensure the safety and security of the Australian community.
224. In addition to the capacity to refuse visa applications or entry to Australia, the visa cancellation framework supports the Department's core objectives of ensuring the protection of the Australian community and the integrity of Australia's borders and visa programs.
225. Section 501 of the Migration Act and associated general cancellation powers allow for the refusal or cancellation of a visa where the visa holder may present a risk to the Australian community. A person may fail the character test under section 501 of the Migration Act for a number of reasons, including if they have a substantial criminal record.

Table 16: Adverse section 501 (character) cancellations, 2019-20 to 2021-22 (to 31 August 2021)

Character Cancellation	2019-20	2020-21	2021-22
Mandatory Cancellation (s501(3A))	965	922	153
Natural Justice – (s501(2))	39	7	0
Cancellation without Natural Justice – National Interest (s501(3)(b))	10	13	0
Minister's personal power – without notice (s501A(3)(b))	0	<5	0
Minister's personal power – with notice (s501B(2))	<5	<5	0
Minister's personal power – without notice (s501BA(2))	<5	0	0
Character refusal	354	786	14
Character revocations (not revoked) ³¹	452	439	60
Total	1820	2167	227

Source: Department of Home Affairs, 2021

Table 17: Top five Citizenships with adverse section 501 (character) outcomes, 2019-20 to 2021-22 (to 31 August 2021)

Character Cancellation	2019-2020	2020-2021	2021-2022	Total
New Zealand	476	402	75	953
United Kingdom	99	101	16	216
Vietnam	62	60	10	132
China	22	37	<5	62
Sudan	31	16	<5	48
Other	328	330	48	706
Total	1,018	946	153	2,117
Character refusal	2019-2020	2020-2021	2021-2022	Total
United Kingdom	152	350	<5	505
United States of America	39	114	0	153
New Zealand	45	82	<5	128
India	7	14	<5	24
Ireland, Republic of	6	18	0	24
Other	105	208	7	320
Total	354	786	14	1,154
Character revocations (not revoked)	2019-2020	2020-2021	2021-2022	Total
New Zealand	214	196	23	433
United Kingdom	34	38	6	78
Vietnam	18	29	<5	49
Sudan	18	22	<5	41
China	17	13	0	30
Other	151	141	28	320
Total	452	439	60	951

Source: Department of Home Affairs, 2021

³¹ This refers to where a non-citizen's request for reinstatement of a visa (revocation of the character cancellation) is not successful.

226. Non-character related cancellation powers under the Migration Act are broad ranging and provide the power to consider visa cancellation in a number of circumstances to both protect the Australian community and ensure the integrity of the migration program. Cancellation grounds include noncompliance with visa conditions, provision of incorrect information or where the person may present a risk to the health, safety or good order of the Australian community.

Table 18: General Cancellation decisions, 2019-20 to 2021-22 (to 31 August 2021)³²

General Cancellation decisions	2019-20	2020-21	2021-22
Incorrect information (s109)	216	276	111
General power (s116)	4,155	1,201	121
Holder overseas (s128)	46,253	19,373	5,128
Business visa (s134)	102	83	12
All other powers ³³	7,490	4,841	743
Total	58,216	25,774	6,115

Source: Department of Home Affairs, 2021

Status resolution

227. The Department works with non-citizens who require assistance to resolve their immigration status, including non-citizens who:

- do not hold a valid visa (through having overstayed their visa or having their visa cancelled),
- entered Australia without authorisation, or
- hold a current valid visa that is about to expire.

228. Officers working in the Status Resolution program engage with non-citizens to promote self-agency, assisting individuals to self-resolve their immigration status in a timely and appropriate manner.

Table 19: People who entered the Status Resolution program, 2019-20 to 2021-22 (to 31 August 2021)

	2019-20	2020-21	2021-22
Persons who voluntarily approached the Department	16,918	16,128	2,627
Persons located by the Australian Border Force or Police	2,231	1,835	262
Total	19,149	17,963	2,889

Source: Department of Home Affairs, 2021

229. The Department works with clients to try to ensure they retain their lawful status in Australia. With the closure of international borders due to the COVID-19 pandemic some temporary visa holders and unlawful non-citizens have been unable to depart Australia. This has resulted in a large increase in the volume of Bridging visa E (subclass 050 and 051, BVE) applications as these individuals seek lawful status while they remain temporarily in Australia.

³² A visa may be recorded as cancelled more than once. For example when a visa is cancelled, the cancellation is subsequently revoked or set aside, and then the visa is cancelled again. A cancellation may be revoked or set aside for a number of reasons, including further legal proceedings, and administrative or jurisdictional errors, etc. Duplicates may exist. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

³³ Does not include any s501 character statistics, only s501Fs are included.

230. The Department processed an average of 4,821 BVE applications per month between 20 March 2020 and 31 August 2021, an increase of 48 per cent compared to the 12 months prior to the introduction of border restrictions. During this period, 96 per cent of BVE applications were approved.

Table 20: Change in the number of Bridging Visa E (BVE) holders between 2019-20 and 2021-22

	2019-20	2020-21	2021-22	Difference since 2019-20
Visa holders as at 31 August	25,284	30,188	31,553	6,269

Source: Department of Home Affairs, 2021

231. Amendments were made to the Migration Regulations 1994 on 16 April and 1 July 2021, to provide discretion to:

- apply a number of existing visa conditions, relating to safety and security of the Australian community, to certain Bridging visa E (subclass 050) and Removal Pending Bridging visas (subclass 070), and
- reduce face-to-face contact with the Department through waived interviews for certain bridging visa applicants, and allowing certain bridging visa holders to fulfil their reporting requirements electronically or by telephone.

232. On 25 May 2021 the *Migration Amendment (Clarifying International Obligations for Removals) Act 2021* came into effect to enable Australia to uphold its international obligations relating to *non-refoulement*, and to clarify and reinforce Australia's long-standing commitment to not return individuals to situations where they face persecution or real risk of torture, cruel, inhuman or degrading treatment or punishment, arbitrary deprivation of life, of the application of the death penalty.

233. The Department continues to assist non-citizens to return to their countries through the Return and Reintegration Assistance program (RRAP). Due to the COVID-19 pandemic, the RRAP saw an initial increase in referrals from non-citizens and family groups seeking to return home but without the financial means to do so. Service providers are managing flights and the acquisition of travel documents to facilitate the return of eligible non-citizens.

234. Between 1 July 2021 and 31 August 2021, the Department referred 121 non-citizens to RRAP's two service providers and facilitated the return of 54 non-citizens.

Table 21: Return and Reintegration Assistance program (RRAP) referrals, 2018-19 to 2021-22 (to 31 August 2021)

	2018-19	2019-20	2020-21	2021-22
RRAP referrals	1,345	1,484	1,117	121

Source: Department of Home Affairs, 2021

235. The Status Resolution Support Services (SRSS) program provides short-term support to individuals while they engage with the Department to resolve their immigration status, either through the grant of a substantive visa or departure from Australia. Types of support services provided include financial, accommodation, access to health care, case worker support, and access to education for school aged children.

Table 22: Status Resolution Support Services recipients, as at

	30 June 2019	30 June 2020	30 June 2021	31 August 2021
Illegal Maritime Arrivals (IMAs)	3,907	2,769	1,311	1,184
Non-IMAs	1,575	1,509	1,018	947
Total	5,482	4,278	2,329	2,131

Source: Department of Home Affairs, 2021

Management of transitory persons

236. The Migration Act provides for the bringing of transitory persons (defined in section 5 of the Migration Act as a person who was taken to a regional processing country) to Australia from a regional processing country for a temporary purpose (generally medical treatment or as accompanying family). Transitory persons are administratively detained on arrival under section 189 of the Migration Act as unlawful non-citizens. Once the temporary purpose for which they were brought is complete, the transitory person is required to return to a regional processing country.

237. Efforts to return transitory persons to a regional processing country at the conclusion of their temporary purpose have been impacted by active litigation. Despite this, the Department continues to progress the return of transitory persons whose temporary purpose has concluded or who have requested voluntary removal to a regional processing country. Returns to a regional processing country are considered on a case-by-case basis, with reference to various factors, including medical, legal, host country permission and travel restrictions.

Table 23: Transitory persons onshore, as at 31 August 2021

	Bridging visa E	Residence Determination	Held detention	Babies not detained	Total
Transitory persons brought to Australia for medical reasons	502	466	83	0	1,051
Babies born onshore to medical transitory persons	34	68	0	0	102
Total	556	536	83	0	1,179

Source: Department of Home Affairs, 2021

238. Consistent with Australian Government policy regarding settlement of illegal maritime arrivals in Australia, transitory persons will not be settled permanently in Australia. Transitory persons will remain subject to third country migration outcomes and are encouraged to actively engage with the Department on their options.