



Commonwealth of Australia

Migration Act 1958

**ARRANGEMENT FOR THE USE OF COMPUTER PROGRAMMES TO MAKE
DECISIONS TO GRANT VISAS
(SECTION 495A)**

I, s. 22(1)(a)(ii) Deputy Secretary and Chief Information Officer of the Department of Immigration and Citizenship ('DIAC') acting under s 495A of the *Migration Act 1958* ('the Act') as the Minister's delegate arrange, as provided in the Attachments, for the use, under my control, of computer programs for the purposes of considering applications for certain types of visas and for making decisions to grant such visas under the Act.

The visas covered under this arrangement are:

1. eWork and Holiday (electronic Work and Holiday visa - subclass 462).

Attachments to this Arrangement are Attachments A and B.

This Arrangement, IMMI 07/087, comes into effect upon signature.

Dated

9 November 2007

s. 22(1)(a)(ii)

Deputy

nation Officer

NOTE:

Sections 495A(1) and (2) provides that the Minister may arrange for the use, under the Minister's control, of computer programmes for any purposes for which the Minister may, or must, under the designated Migration Law

- (a) make a decision; or
- (b) exercise any power, or comply with any obligation; or
- (c) do anything else related to making a decision, exercising a power, or complying with an obligation.

AND

The Minister is taken to have:

- (a) made a decision; or
- (b) exercised a power, or complied with an obligation; or
- (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation, that was made, exercised, complied with, or done (as the case requires) by the operation of a computer programme under an arrangement made under subsection (1).

Attachment A
Arrangement under s 495A of the Migration Act 1958 for the use of computer programmes to make decisions to grant visas

Coverage of Arrangement

1. DIAC provides an Internet-based service called eVisa. This service allows clients, or their agents, to lodge electronic visa applications through the DIAC website. Some of the electronic visas lodged through this service can be automatically processed and granted by the operation of a computer, without direct human intervention. This process is referred to as the 'autogrant' process. This Arrangement covers the grant, through the autogrant process, of eVisas of the following kinds:
 - eWork and Holiday (electronic Work and Holiday visas - subclass 462)
2. It is intended that computer programmes covered by this Arrangement will only grant visas where the criteria or grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria. The Arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa.

Description of Relevant Computer Programmes

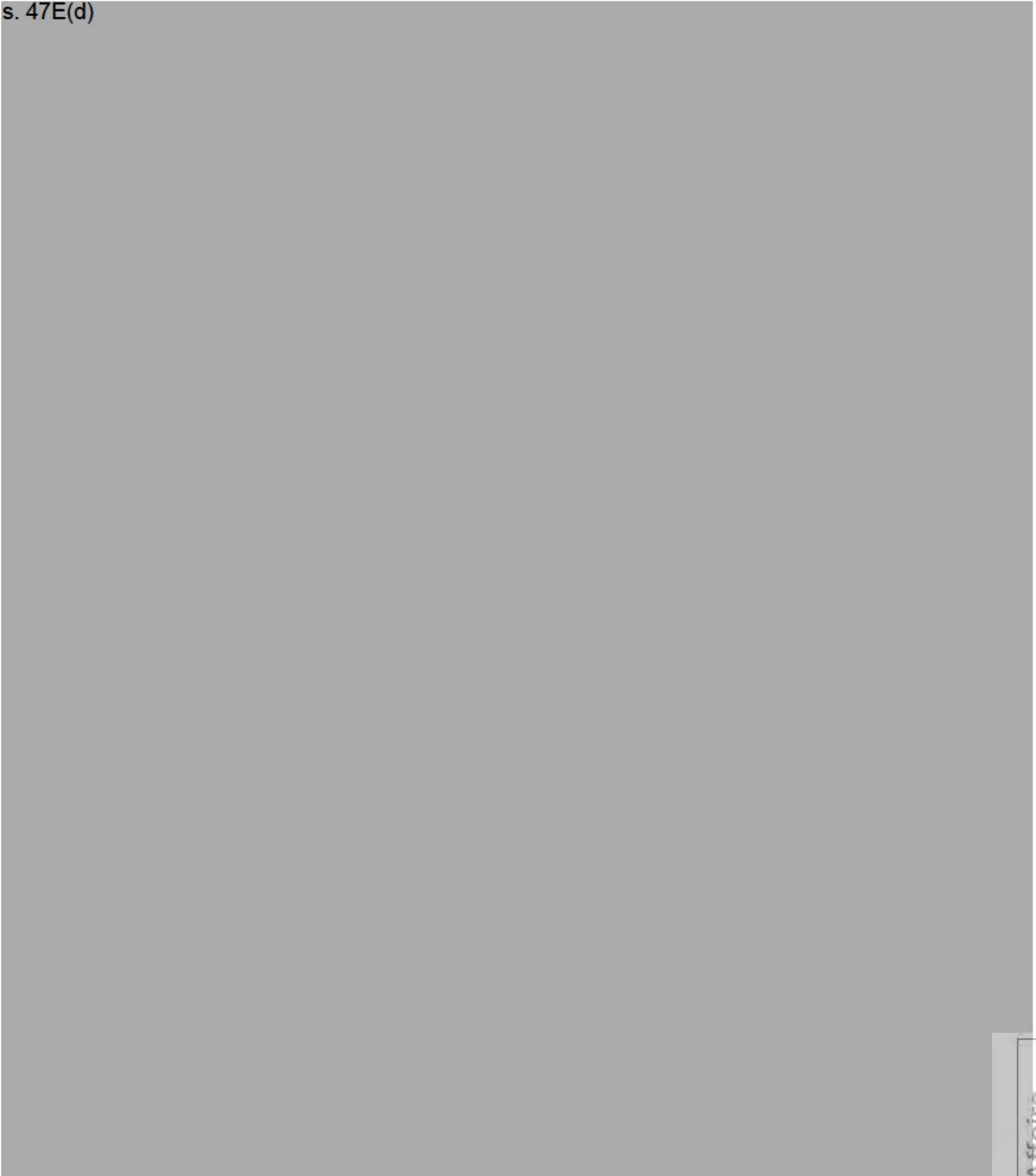
3. DIAC's primary computerised processing system for eVisas is ICSE - the Integrated Client Services Environment. ICSE is essentially a database that also provides an online processing and decision-recording function, tracks the process of visa applications and integrates the decision process with entry, s. 47E(d) and management reporting systems. Decisions to grant visas can be designed to occur manually or automatically through ICSE.
4. eVisa is a comprehensive visa application receipting system that allows complete and valid applications to be prepared and lodged via the Internet into ICSE.
5. ICSE includes programs that can evaluate assessment criteria for those eVisa categories listed in paragraph 1 above and automatically grant visas where the assessment criteria are met. These autogrant programmes operate in conjunction with and where necessary draw and rely upon data in other departmental systems such as:
 - The eBusiness (eVisa) Server, available to clients through DIAC's Homepage;
 - s. 47E(d)
 - Entry Documentation (ED) and Travel and Immigration Processing System (TRIPS) systems.
6. s. 47E(d)
7. The assessment criteria which the ICSE autogrant programs consider in reaching the point of autogrant vary with visa type. A full list of key criteria is listed in attachment B. The following matters are relevant to and need to be satisfied under eWork and Holiday autogrant arrangements:

- correct nationality;
- acceptable travel document;
- payment of the appropriate visa application charge (VAC);
- within certain age ranges;
- evidence of educational attainment;
- no declaration of adverse character or health concerns;
- s. 47E(d)
- [REDACTED]
- no Entry Documentation (ED) concerns.

Future Changes to Relevant Computer Programs

8. In order to ensure that the use of the abovementioned computer programs for considering visa applications and making autogrants of visas remains under my control, systems changes impacting on such programs in any significant way must be approved by me, in accordance with DIAC's Systems Governance Arrangements, as follows:
- In my role as Chief Information Officer (CIO), I chair both the Systems Committee and the Systems Executive Committee;
 - The above Committees receive and make decisions on information, findings and recommendations by DIAC's 6 Systems Boards;
 - The Systems Boards will be the primary point for identifying significant changes to computer programs covered by this Arrangement and will ensure such changes are brought to my attention. I will also retain the capacity to identify any such change in my role as chair of the Systems Committee and of the Systems Executive Committee;
 - My expectation is that any significant change to the programs covered by this Arrangement will be endorsed by me and that minor changes will occur under (and be approved by or through) the 6 Systems Boards;
 - Examples of significant changes are the addition of new calling systems, wholesale changes to process flows and the resetting of MAL match parameters;
 - Examples of minor changes include changes to eligible salary levels for visa applicants, age and nationality for various temporary entry visas and correction of inefficient or error-based processes that occur at a relatively low cost and with little or no perceived impact upon clients/applicants;
 - As a point of clarification, any change to a computer program covered by this s 495A Arrangement which is formally approved by the Systems Committee chaired by me, will be taken to have been approved by me for the purposes of this Arrangement.

s. 47E(d)





Commonwealth of Australia

Migration Act 1958

**ARRANGEMENT FOR THE USE OF COMPUTER PROGRAMS TO MAKE
DECISIONS TO GRANT VISAS
(SECTION 495A)**

I, **s. 22(1)(a)(ii)** Deputy Secretary and Chief Information Officer of the Department of Immigration and Citizenship ('DIAC') acting under s 495A of the Act as the Minister's delegate hereby arrange, as provided in the Attachments, for the use, under my control, of computer programs for the purposes of considering applications for certain types of visas and for making decisions to grant such visas under the Act.

The visas covered under this arrangement are:

1. eWHM (electronic Working Holiday Maker visa - subclass 417) – both initial and second year stay; and
2. e676 (electronic Tourist visas - subclass 676) – both 3 and 6 months stay.

Attachments to this Arrangement are Attachments A and B.

This Arrangement, IMMI 07/002, commences on 26 January 2007.

Dated 28 February **s. 22(1)(a)(ii)**

Deputy Secretary and Chief Information Officer

NOTE:

Sections 495A(1) and (2) provides that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law

- (a) make a decision; or
- (b) exercise any power, or comply with any obligation; or
- (c) do anything else related to making a decision, exercising a power, or complying with an obligation.

AND

The Minister is taken to have:

- (a) made a decision; or
- (b) exercised a power, or complied with an obligation; or
- (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation; that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under subsection (1).

Attachment A
Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas

Coverage of Arrangement

1. DIAC provides an Internet-based service called eVisa. This service allows clients, or their agents, to lodge electronic visa applications through the DIAC website. Some of the electronic visas lodged through this service can be automatically processed and granted by the operation of a computer, without direct human intervention. This process is referred to as the 'autogrant' process. This Arrangement covers the grant, through the autogrant process, of eVisas of the following kinds:
 - eWHM (electronic Working Holiday Maker visas - subclass 417) – both initial and second year stay
 - e676 (electronic Tourist visas - subclass 676) – both 3 and 6 months stay
2. It is intended that computer programs covered by this Arrangement will only grant visas where the criteria or grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria. The Arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa.

Description of Relevant Computer Programs

3. DIAC's primary computerised processing system for eVisas is ICSE - the Integrated Client Services Environment. ICSE is essentially a database that also provides an online processing and decision-recording function, tracks the process of visa applications and integrates the decision process with entry, alert lists and management reporting systems. Decisions to grant visas can be designed to occur manually or automatically through ICSE.
4. eVisa is a comprehensive visa application receipting system that allows complete and valid applications to be prepared and lodged via the Internet into ICSE.
5. ICSE includes programs that can evaluate assessment criteria for those eVisa categories listed in paragraph 1 above and automatically grant visas where the assessment criteria are met. These autogrant programs operate in conjunction with and where necessary draw and rely upon data in other departmental systems such as:
 - The eBusiness (eVisa) Server, available to clients through DIAC's Homepage;
 - s. 47E(d)
 - Entry Documentation (ED) and Travel and Immigration Processing System (TRIPS) systems

6. s. 47E(d)

7. The assessment criteria which the ICSE autogrant programs consider in reaching the point of autogrant vary with visa type. A full list of key criteria is listed in attachment B. The following matters are relevant to and need to be satisfied under e676 and eWHM autogrant arrangements:

- correct nationality;
- acceptable travel document;
- payment of the appropriate visa application charge (VAC);
- within certain age ranges;
- no declaration of adverse character or health concerns;
- s. 47E(d) [REDACTED]
- no Entry Documentation (ED) concerns.

Future Changes to Relevant Computer Programs

8. In order to ensure that the use of the abovementioned computer programs for considering visa applications and making autogrants of visas remains under my control, systems changes impacting on such programs in any significant way must be approved by me, in accordance with DIAC's Systems Governance Arrangements, as follows:

- In my role as Chief Information Officer (CIO), I chair both the Systems Committee and the Systems Executive Committee;
- The above Committees receive and make decisions on information, findings and recommendations by DIAC's 6 Systems Boards;
- The Systems Boards will be the primary point for identifying significant changes to computer programs covered by this Arrangement and will ensure such changes are brought to my attention. I will also retain the capacity to identify any such change in my role as chair of the Systems Committee and of the Systems Executive Committee;
- My expectation is that any significant change to the programs covered by this Arrangement will be endorsed by me and that minor changes will occur under (and be approved by or through) the 6 Systems Boards;
- Examples of significant changes are the addition of new calling systems, wholesale changes to process flows s. 47E(d) [REDACTED];
- Examples of minor changes include changes to eligible salary levels for visa applicants, age and nationality for various temporary entry visas and correction of inefficient or error-based processes that occur at a relatively low cost and with little or no perceived impact upon clients/applicants;

s. 47E(d)





Commonwealth of Australia

Migration Act 1958

**ARRANGEMENT FOR THE USE OF COMPUTER PROGRAMS TO MAKE
DECISIONS TO GRANT VISAS
(SECTION 495A)**

I, s. 22(1)(a)(ii) Deputy Secretary and Chief Information Officer of the Department of Immigration and Citizenship ('DIAC') acting under s 495A of the *Migration Act 1958* ('the Act') as the Minister's delegate hereby arrange, as provided in the Attachments, for the use, under my control, of computer programs for the purposes of considering applications for certain types of visas and for making decisions to grant such visas under the Act.

The visa covered under this arrangement is:

1. Maritime Crew Visa Class ZM – Subclass 988

Attachments to this Arrangement are Attachments A and B.

This Arrangement, IMMI 07/046, commences on 1 July 2007.

Dated *Twenty First June* 2007

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Deputy Secretary and Chief Information Officer

s. 22(1)(a)(ii)

[NOTE: Section 495A(1) and (2) provides that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law

- (a) make a decision; or
- (b) exercise any power, or comply with any obligation; or
- (c) do anything else related to making a decision, exercising a power, or complying with an obligation.

AND

The Minister is taken to have:

- (a) made a decision; or
- (b) exercised a power, or complied with an obligation; or
- (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation; that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under subsection (1).]

Attachment A
Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas

Coverage of Arrangement

1. DIAC will be providing an Internet-based service to allow foreign citizens to apply for a Maritime Crew Visa. This service allows clients, or their agents, to lodge electronic visa applications through the DIAC website. Some of the electronic visas lodged through this service can be automatically processed and granted by the operation of a computer, without direct human intervention. This process is referred to as the 'autogrant' process. This Arrangement covers the grant, through the autogrant process, of :
 - Maritime Crew Visa Class ZM – Subclass 988
2. It is intended that computer programs covered by this Arrangement will only grant visas where the criteria or grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria. The Arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa.
3. The computer programme for the Maritime Crew Visa involves the entry of an Internet-based visa application form which pre-validates key fields and transmits the data to ISCE, which performs all of the necessary validation checks and interacts with Safeguards to ensure no additional security checks are required prior to the grant of the visa.

NOTE:

Applicants have the option of applying for a Maritime Crew Visa either via the Internet or as a paper-based application. As paper-based applications will be processed and entered into ISCE manually, these applications are not part of this Agreement.

Attachment B

Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas Key criteria to be met – Maritime Crew Visa

CRITERIA	MARITIME CREW VISA
VAC (fee) paid	No VAC is required
Form fields completed	Yes
Valid Passport	Yes
Location – time of lodgement	Yes All MCV applicants must be outside the Migration Zone
Location – time of grant	Yes Can be in or outside the Migration Zone
Clear Character declaration	Yes
MAL clear	Yes
Safeguards clear	Yes
ED clear	Yes
Acknowledgement by third party of right to represent individual	Yes
Acknowledgement by individual of being informed of legal obligations in applying for visa	Yes

NOTES:

- There are no age limits for Maritime Crew Visas
- Members of family will be processed manually, as secondary applicants
- There are no nationality based restrictions on Maritime Crew Visas – where there are risks associated with nationalities, Safeguards alerts will operate to revert those nationalities to manual processing
- Applicants must not be in detention and cannot be an Australian citizen or permanent resident



Commonwealth of Australia

Migration Act 1958

**ARRANGEMENT FOR USE OF COMPUTER PROGRAMS FOR DESIGNATED
MIGRATION LAW PURPOSES
(SECTION 495A)**

I, s. 22(1)(a)(ii) Deputy Secretary and Chief Information Officer of the Department of Immigration and Citizenship ('DIAC') acting under section 495A of the *Migration Act 1958* ('the Act') as the Minister's delegate hereby arrange, as provided in the Attachment, for the use, under my control, of an automated border processing system at certain Australian airports, SmartGate ABP Inwards, ('SmartGate') to perform a number of functions including:

- Obtaining health and character information from non-citizens eligible to use SmartGate under the arrangements set out in the Attachments; and
- Granting Special Category Visas to eligible New Zealand citizens under section 32 of the Act.

Attachments to this Arrangement are Attachments A and B.

This Arrangement, IMMI 07/018, commences on 1 July 2007

Dated 25 June 2007

s. 22(1)(a)(ii)

Deputy Secretary and Chief Information Officer

Released by Department of Home Affairs
under the Freedom of Information Act 1982

[NOTES:

1. Section 495A of the Act provides that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law

- (a) make a decision; or
- (b) exercise any power, or comply with any obligation; or
- (c) do anything else related to making a decision, exercising a power, or complying with an obligation.

AND

The Minister is taken to have:

- (a) made a decision; or
- (b) exercised a power, or complied with an obligation; or
- (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation;
that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under subsection (1).

2. Subsection 496(1) of the Act provides that the Minister may, by writing, delegate to a person any of the Minister's powers under the Act.]

Attachment A
Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas

Coverage of Arrangement

1. SmartGate is a voluntary alternative to manual processing at the border whereby the holders of prescribed 'e-Passports' arriving and departing Australia (including Australian citizens and selected non-citizens) can have their identity, and in the case of non-citizens, their visa and identity, verified by an automated system without the need for a clearance officer to be present during the process.
2. To be eligible to use SmartGate, non-citizens must hold a passport which the Minister or the Secretary has determined as eligible.
3. SmartGate will take a live image of the traveller and compare this with the stored image on the 'smart chip' in the e-Passport to verify the identity of the traveller. It will also perform immigration and Customs checks, including alert lists, before permitting a person to enter Australia, as well as collect information which is required to be provided for the purposes of immigration clearance. This information is related to health and character checking.
4. This Arrangement covers the grant, through the automated process, of the subclass 444 (Special Category) visa. SmartGate will enable New Zealand citizens who hold an e-Passport to apply for and be granted a Special Category Visa using the automated system, without the need for a clearance officer to be present.
5. It is intended that computer programs covered by this Arrangement will only grant visas where the criteria or grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria. The Arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa or refuse immigration clearance.

Description of Relevant Computer Programs

6. Advance Passenger processing (APP) provides DIAC with information on all passengers and crew travelling to Australia. This information is collected at check-in through the APP system and transmitted to Australia for use by border agencies prior to arrival of the aircraft. The data transmitted to Australia is cross-checked against Australia's immigration databases (TRIPS and S. 47E(d)).
7. Travel and Immigration Processing System (TRIPS) is an integrated computer system DIAC uses to record visas held, Australian and New Zealand passport details, S. 47E(d) travel undertaken by non-citizens. TRIPS creates movement records for passengers arriving and departing from Australia and stores information of passengers referred to DIAC.
8. S. 47E(d)
9. As a result of matching of APP data against TRIPS, an 'Expected Movement' record for each arriving passenger is created where an Enter or Refer directive is recorded for those passengers who should be referred to DIAC officers at the border for further checking.

10. At the border, Customs officers (and the SmartGate system) process passengers into the PACE (Passenger Analysis, Clearance and Evaluation) system. Expected Movements are passed to PACE and used by SmartGate to match with the passport data from e-Passports held by the passengers.
11. SmartGate is an automated processing system, owned by Customs, which relies on DIAC APP Arrival Expected Movement information for matching against information contained in the International Civil Aviation Organisation (ICAO) eligible e-Passports which have been approved by DIAC. SmartGate will match a live image of each passenger with the image contained in the smart chip and collect information required for immigration clearance and visa grants. SmartGate will confirm the Expected Movement and store information in PACE which is transferred to DIAC TRIPS.
12. The assessment criteria which SmartGate will consider in reaching the point of immigration clearance reflect DIAC's business requirements as well as the detailed technical variables. A full list of key business criteria is listed in Attachment B. The following matters are relevant to and need to be satisfied under the SmartGate automated immigration clearance arrangements:
 - no visa conditions requiring manual verification;
 - no visa types requiring manual verification to substantiate status of the passenger;
 - no endorsees on passports;
 - visa holder within certain height range;
 - acceptable and validated travel document (ICAO eligible e-Passport approved by DIAC);
 - visa holder within certain age ranges;
 - no declaration of adverse character or health concerns;
 - no immigration directive set to R (refer) on the Expected Movement;
 - details of the e-Passports match corresponding details on the DIAC APP Arrival Expected Movement;
 - clearance against a current Expected Movement (the expected arrival date is a future date, the current date or no more than one day old);
 - traveller verified as a legitimate holder of the e-Passport presented;
 - verification of passport issuing authority.

Future Changes to Relevant Computer Programs

13. In order to ensure that the use of the abovementioned automated border processing system (SmartGate) for considering visa applications, granting Special Category Visas and immigration clearance remains under my control, systems changes impacting on this system in any significant way must be approved by me, in accordance with DIAC's Systems Governance Arrangements, as follows:

- In my role as Chief Information Officer (CIO), I chair both the Systems Committee and the Systems Executive Committee;
- The above Committees receive and make decisions on information, findings and recommendations by DIAC's Systems Boards;
- The Systems Boards will be the primary point for identifying significant changes to the system covered by this Arrangement and will ensure such changes are brought to my attention. I will also retain the capacity to identify any such change in my role as chair of the Systems Committee and of the Systems Executive Committee;
- My expectation is that any significant change to the system covered by this Arrangement will be endorsed by me and that minor changes will occur under (and be approved by or through) the relevant Systems Boards;
- Examples of significant changes are the addition of new eligible e-Passports, collection of personal identifiers, changes to name matching routines, wholesale changes to process flows or the significant changes to match parameters;
- Examples of minor changes include changes to age height requirements, reporting requirements, design of the solution, minor changes to process, correction of inefficient or error-based processes or technical changes that occur at a relatively low cost and with little or no perceived impact upon clients/applicants;
- As a point of clarification, any change to a computer program covered by this s 495A Arrangement which is formally approved by the Systems Committee chaired by me, will be taken to have been approved by me for the purposes of this Arrangement.

Attachment B

Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas or immigration clearance

Key Business Criteria

CRITERIA	Special Category Visa (TY444)	Australian Passport Holder	Australian Visa Holders	Foreign Crew
Traveller must be within height range	Y	Y	Y	Y
Traveller must hold an approved ICAO ePassport	Y	Y	Y	Y
Traveller must have a valid expected movement record (EMR)	Y	Y	Y	Y
Traveller must be of a nationality eligible to self process	Y	Y	Y	Y
Traveller's EMR must have an immigration directive of 'E'	Y	Y	Y	Y
Traveller must be within age range	18+	18+	18+	18+
Traveller must hold a visa subclass valid for self processing (Non CJV)	N	N	Y	Y
Traveller must not have one or more of the following visa conditions: - MARRIED? (8515) - ACCOMPANIED? (8502) - NVFFT - ADS-CHK GRP	N/A	N/A	Y	N/A
Travellers ePassport smart chip will be authenticated	Y	Y	Y	Y
Traveller will complete Yellow Fever Questions	Y	Y	Y	N
Traveller will complete Health Questions	Y	N	Y	N
Traveller will complete Character Questions	Y	N	Y	N
Traveller will complete a Legal Declaration	Y	Y	Y	N
Travellers who answer 'Yes' to H & C Questions will be referred to PLO	Y	N/A	Y	N/A
Traveller must successfully match the image contained in the ePassport smart chip	Y	Y	Y	Y



Commonwealth of Australia

Migration Act 1958

**ARRANGEMENT FOR THE USE OF COMPUTER PROGRAMS TO MAKE
DECISIONS TO GRANT VISAS
(SECTION 495A)**

I, s. 22(1)(a)(ii) Deputy Secretary and Chief Information Officer of the Department of Immigration and Citizenship ('DIAC') acting under s 495A of the *Migration Act 1958* ('the Act') as the Minister's delegate hereby arrange, as provided in the Attachments, for the use, under my control, of computer programs for the purposes of considering applications for certain types of visas and for making decisions to grant such visas under the Act.

The visa covered under this arrangement is:

1. Maritime Crew Visa Class ZM – Subclass 988

Attachments to this Arrangement are Attachments A and B.

This Arrangement, IMMI 07/046, commences on 1 July 2007.

Dated *Twenty First June* 2007

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Deputy Secretary and Chief Information Officer

s. 22(1)
(a)(ii)

[NOTE: Section 495A(1) and (2) provides that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law

- (a) make a decision; or
- (b) exercise any power, or comply with any obligation; or
- (c) do anything else related to making a decision, exercising a power, or complying with an obligation.

AND

The Minister is taken to have:

- (a) made a decision; or
- (b) exercised a power, or complied with an obligation; or
- (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation; that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under subsection (1).]

Attachment A
Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas

Coverage of Arrangement

1. DIAC will be providing an Internet-based service to allow foreign citizens to apply for a Maritime Crew Visa. This service allows clients, or their agents, to lodge electronic visa applications through the DIAC website. Some of the electronic visas lodged through this service can be automatically processed and granted by the operation of a computer, without direct human intervention. This process is referred to as the 'autogrant' process. This Arrangement covers the grant, through the autogrant process, of :
 - Maritime Crew Visa Class ZM – Subclass 988
2. It is intended that computer programs covered by this Arrangement will only grant visas where the criteria or grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria. The Arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa.
3. The computer programme for the Maritime Crew Visa involves the entry of an Internet-based visa application form which pre-validates key fields and transmits the data to ISCE, which performs all of the necessary validation checks and interacts with Safeguards to ensure no additional security checks are required prior to the grant of the visa.

NOTE:

Applicants have the option of applying for a Maritime Crew Visa either via the Internet or as a paper-based application. As paper-based applications will be processed and entered into ISCE manually, these applications are not part of this Agreement.

Attachment B

Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas Key criteria to be met – Maritime Crew Visa

CRITERIA	MARITIME CREW VISA
VAC (fee) paid	No VAC is required
Form fields completed	Yes
Valid Passport	Yes
Location – time of lodgement	Yes All MCV applicants must be outside the Migration Zone
Location – time of grant	Yes Can be in or outside the Migration Zone
Clear Character declaration	Yes
s. 47E(d)	Yes
Safeguards clear	Yes
ED clear	Yes
Acknowledgement by third party of right to represent individual	Yes
Acknowledgement by individual of being informed of legal obligations in applying for visa	Yes

NOTES:

- There are no age limits for Maritime Crew Visas
- Members of family will be processed manually, as secondary applicants
- There are no nationality based restrictions on Maritime Crew Visas – where there are risks associated with nationalities, Safeguards alerts will operate to revert those nationalities to manual processing
- Applicants must not be in detention and cannot be an Australian citizen or permanent resident



Commonwealth of Australia

Migration Act 1958

**ARRANGEMENT FOR USE OF COMPUTER PROGRAMS FOR DESIGNATED
MIGRATION LAW PURPOSES
(SECTION 495A)**

I, s. 22(1)(a)(ii), Deputy Secretary and Chief Information Officer of the Department of Immigration and Citizenship ('DIAC') acting under section 495A of the *Migration Act 1958* ('the Act') as the Minister's delegate hereby arrange, as provided in the Attachments, for the use, under my control, of computer programs for the purposes of considering applications for certain types of visas and for making recommendations to assist with decisions to grant such visas under the Act.

The visas covered under this arrangement are:

General Skilled Migration (GSM) visa family

- a. Class VB (subclasses 885, 886, 887)
- b. Class VC (subclasses 485, 487)
- c. Class VE (subclasses 175, 176)
- d. Class VF (subclasses 475, 476)

Attachments to this Arrangement are Attachments A and B.

This Arrangement, IMMI 08/026, commences upon signature.

Dated 2 June 2008

s. 22(1)(a)(ii)

Deputy Secretary and Chief Information Officer
Department of Immigration and Citizenship

Released by Department of Home Affairs
under the Freedom of Information Act 1982

[NOTES: 1. Section 495A of the Act provides that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law

- (a) make a decision; or
- (b) exercise any power, or comply with any obligation; or
- (c) do anything else related to making a decision, exercising a power, or complying with an obligation.

AND

The Minister is taken to have:

- (a) made a decision; or
- (b) exercised a power, or complied with an obligation; or
- (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation;

that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under subsection (1).

2. Subsection 496(1) of the Act provides that the Minister may, by writing, delegate to a person any of the Minister's powers under the Act.]

Attachment A
Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas

Coverage of Arrangement

1. DIAC provides an Internet-based service called e-visa. This service allows clients, or their agents, to lodge electronic visa applications through the DIAC website. Some of the electronic visas lodged through this service can be automatically processed and granted by the operation of a computer without direct human intervention. No General Skilled Migration (GSM) visas are processed in this manner. All decisions to grant a GSM visa are made by a Visa Processing Officer (VPO).
2. The Arrangement does not authorise the use of computer programs to make decisions to either grant or refuse to grant a visa, but to provide regulatory assessment recommendations to the VPO.

Description of Relevant Computer Programs

3. DIAC's primary computerised processing system for e-visas is ICSE - the Integrated Client Services Environment. ICSE is essentially a database that also provides an online processing and decision-recording function, tracks the process of visa applications and integrates the decision process with entry, alert lists and management reporting systems. Decisions to grant visas can be designed to occur manually or automatically through ICSE.
4. e-visa is a comprehensive visa application receipting system that allows complete and valid applications to be prepared and lodged via the Internet into ICSE.
5. The GSM Portal will utilise the RuleBurst rules engine to provide support to the visa application assessment process. The rules engine utilizes a rulebase that incorporates the GSM amendments of 2007 and 2008 into the *Migration Regulations 1994*. The GSM Portal calls the rules engine, providing data related to the application and the applicants, and the rules engine executes the rules for the assessment criteria, and returns a recommendation for each applicable assessment criterion to the GSM Portal. The recommendation is displayed to the VPO who then decides whether the assessment item is met, not met, or not required. Subsequently, the VPO will make a decision for each applicant in terms of whether a visa will or will not be granted to the applicant.
 - The assessment criteria which the rules engine considers, varies with the visa type. A full list of criteria is listed in Attachment B. The applicability of the criteria varies based on the visa type and the applicant's characteristics such as age, whether the applicant seeks to satisfy primary or secondary requirements, and previous visa history. Each applicable assessment criterion must be satisfied for the applicant to be granted the visa.

Future Changes to Relevant Computer Programs

6. In order to ensure that the use of the abovementioned computer programs for considering visa applications and making recommendations for consideration by the VPO as to whether or not to grant a visa remains under my control, systems changes impacting on such programs in any significant way must be approved by me, in accordance with DIAC's Systems Governance Arrangements, as follows:
 - In my role as Chief Information Officer (CIO), I chair both the Systems Committee and the Systems Executive Committee;

- The above Committees receive and make decisions on information, findings and recommendations by DIAC's 6 Systems Boards;
- The Systems Boards will be the primary point for identifying significant changes to computer programs covered by this Arrangement and will ensure such changes are brought to my attention. I will also retain the capacity to identify any such change in my role as chair of the Systems Committee and of the Systems Executive Committee;
- My expectation is that any significant change to the programs covered by this Arrangement will be endorsed by me and that minor changes will occur under (and be approved by or through) the 6 Systems Boards;
- An example of a significant change would be the update of the rulebase to reflect Migration Regulation Amendments;
- Examples of minor changes include the names of assessment criteria, the provision of additional data for the rules engine to infer recommendations, and correction of inefficient or error-based processes that occur at a relatively low cost and with little or no perceived impact upon clients/applicants.

As a point of clarification, any change to a computer program covered by this s 495A Arrangement which is formally approved by the Systems Committee chaired by me, will be taken to have been approved by me for the purposes of this Arrangement.

Attachment B

Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas

Key criteria to be met – General Skilled Migration (GSM) Visas Incorporated in the RuleBurst Rules Engine

Criteria	175	176	475	476	485	487	885	886	887
Correct Application Form	X	X	X	X	X	X	X	X	X
VAC	X	X	X	X	X	X	X	X	X
Application Lodgement	X	X	X	X	X	X	X	X	X
Applicant Location					X	X	X	X	X
1136(4) - Holds eligible student visa							X	X	X
1136(5) - Holds eligible graduate visa (476,485)							X	X	X
1136(6) - Holds Trade Skills Training Visa (471)							X	X	X
1137(7) - Holds eligible regional skilled visa							X	X	X
1229(4) - Holds eligible student visa					X	X			
1229(5) - Holds eligible graduate visa (476,485)					X	X			
1226(6) - Holds Trade Skills Training Visa (471)					X	X			
1229(7) - Holds Working Holiday (417) or					X	X			
1229(8)(7) - Holds eligible regional skilled visa					X	X			
1229(9) MOFU or interdependent partner or primary					X	X			
Age 18 to 45	X	X	X		X	X	X	X	
Age 18 to 31				X					
Skilled Occupation	X	X	X						
Skilled Occupation 50pts					X	X	X	X	
Not prevented by previously refused or cancelled	X	X	X	X	X	X	X	X	X
Not prevented by holding criminal justice entry visa	X	X	X	X	X	X	X	X	X
Not prevented by holding enforcement visa	X	X	X	X	X	X	X	X	X
Not prevented by detainee status	X	X	X	X	X	X	X	X	X
Not prevented by visa refused or cancelled on	X	X	X	X	X	X	X	X	X
Not prevented by no further stay conditions	X	X	X	X	X	X	X	X	X
Applicant has provided personal residential address	X	X	X	X	X	X	X	X	X
Applicant has complied with officer request to	X	X	X	X	X	X	X	X	X
Work Experience	X	X	X						
2Yr Study requirement	X	X	X		X				
2Yr Study requirement476				X					
Suitable Skills Assessment	X	X	X						
Skills Assessment Applied For					X	X	X	X	
English Proficiency	X	X					X	X	
Evidence of booked English Test					X	X			
English Proficiency 475			X						
English Proficiency 476				X					
English Proficiency 485					X				
English Proficiency 487						X			
Evidenced nomination or sponsorship			X			X			
Visa history - not previously held a 476 or 485 visa				X	X				
Meets Relevant Previous Visa Requirements						X	X	X	
Applicant has applied for AFP check					X	X	X	X	
All migrating applicants over 16 in age have applied					X	X	X	X	
Evidence of booked medical exam					X	X	X	X	
Applicant lived in a specified regional area									X
Applicant worked full-time in a specified regional									X
Accepted nomination		X	X			X		X	
Accepted sponsorship		X	X			X		X	
Sponsor over 18 in age		X						X	
Sponsor over 18 in age at time of application			X			X			
Valid Relationship to Sponsor		X	X			X		X	
Sponsor Residence in Designated Area			X			X			
Sponsor Usually Resident in Australia		X						X	
Permanent Resident, Aust Citizen or Eligible NZ		X	X			X		X	

Valid Passport	X	X	X	X	X	X	X	X	X
Custody Evidence (PIC 4015/4016)	X	X	X	X	X	X	X	X	X
PIC 4001 War Crimes	X	X	X	X	X	X	X	X	X
PIC 4002 - Security Checking	X	X	X	X	X	X	X	X	X
PIC 4003 (Weapons of Mass Destruction -	X	X	X	X	X	X	X	X	X
PIC 4005 (Health)	X	X	X	X	X	X	X	X	
Health Undertaking provided (if conditioned)	X	X	X	X	X	X	X	X	X
PIC 4007(1) (A.B.C) (Health)									X
PIC 4007.(2) - Health Waiver									X
PIC 4019 (Values Statement)	X	X	X	X	X	X	X	X	X
PIC 4004 (Debt to Commonwealth)	X	X	X	X	X	X	X	X	X
PIC 4010 (Capacity to Settle)	X	X	X	X	X	X	X	X	X
SRC 5001 (Been Deported)	X	X	X	X	X	X	X	X	X
SRC 5002 (Been Removed)	X	X	X	X	X	X	X	X	X
SRC 5010 (Been AUSAID student)	X	X	X	X	X	X	X	X	X
Part 1 - Skill Qualifications	X	X	X			X	X	X	
Part 2 - Age Qualifications	X	X	X			X	X	X	
Part 3 - English Language Qualifications	X	X	X			X	X	X	
Part 4 - Specific Work Experience Qualifications	X	X	X			X	X	X	
Part 5 - Australian Work Experience Qualifications	X	X	X			X	X	X	
Part 6 - Australian Educational Qualifications	X	X	X			X	X	X	
Part 7 - Occupation In Demand Qualifications	X	X	X			X	X	X	
Part 8 - Designated Language Qualifications	X	X	X			X	X	X	
Part 9 - Eligible regional study and Residence	X	X	X			X	X	X	
Part 10 - Partner Skill Qualifications	X	X	X			X	X	X	
2yr study requirement - courses not necessarily	X	X	X			X	X	X	
Part 11 - State/Territory Nomination Qualifications	X	X	X			X	X	X	
Part 12 - Designated Area Sponsorship	X	X	X			X	X	X	
Total Points Score	X	X	X			X	X	X	
Qualifying Score	X	X	X			X	X	X	
Not False and Misleading	X	X	X	X	X	X	X	X	X
All MOFU meet PIC Reqs	X	X	X	X	X		X	X	X
All MOFU meet 487PIC Reqs						X			
All MOFU meet 887PIC Reqs									X
All MOFU meet Special Return Reqs	X	X	X	X	X	X	X	X	X
All Non-Migrating MOFU meet PIC reqs	X	X	X				X	X	X
All Non-Migrating MOFU meet 487PIC Reqs						X			
Suitable Skills Assessment					X	X	X	X	
887 - Previous Visa Compliance									X
Applicant meets 487 Previous Visa Compliance						X			
All migrating applicants meet 487 previous visas						X			
English Proficiency 485 TOD					X				
English Proficiency 487 TOD						X			
Upgrade Fee Paid			X			X			
Correct Location	X	X	X	X	X	X	X	X	X
Associated visaed applicant holds same visa type			X	X	X	X			
Applicant has applied for AFP check					X	X	X	X	
Relationship Evidence TOA	X	X	X	X	X	X	X	X	X
Relationship Evidence TOD	X	X	X	X	X	X	X	X	X
MOFU Relationship Established by previously held						X			X
Inter Partner/Dep Child Relationship Established by						X			X
Custody Evidence (PIC 4017/4018)	X	X	X	X	X	X	X	X	X
Functional English	X	X	X			X	X	X	X
VAC2 Paid	X	X	X			X	X	X	X
PIC 4007(1) (A.B.C) (Health)						X			X
PIC 4007.(2) - Health Waiver						X			X
Applicant meets 487 Previous Visa Compliance						X			
Applicant Visa Eligibility	X	X	X	X	X	X	X	X	X
Qualifying Score	X	X	X			X	X	X	



Commonwealth of Australia

Migration Act 1958

**ARRANGEMENT FOR THE USE OF COMPUTER PROGRAM TO MAKE
DECISIONS TO GRANT VISAS
(SECTION 495A)**

I, s. 22(1)(a)(ii), Deputy Secretary and Chief Information Officer of the Department of Immigration and Citizenship ('DIAC'), acting under section 495A of the Migration Act 1958 ('the Act') as the Minister's delegate arrange, as provided in the Attachment, for the use, under my control, of computer programs for the purposes of considering applications for certain types of visas and for making decisions to grant such visas under the Act.

The visas covered under this arrangement are:

1. Class TV (subclass 651) eVisitors.

The Class TV visa can only be autogrant where the applicant is outside Australia and has lodged a valid e-visa application.

Attachments to this Arrangement are Attachments A and B.

This Arrangement, IMMI 08/102, comes into effect upon signature.

Dated 24 October 2008

s. 22(1)(a)(ii)

Deputy Secretary and Chief Information Officer

Released by Department of Home Affairs
under the Freedom of Information Act 1982

[NOTE: Sections 495A(1) and (2) provide that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law

- (a) make a decision; or
- (b) exercise any power, or comply with any obligation; or
- (c) do anything else related to making a decision, exercising a power, or complying with an obligation.

AND

The Minister is taken to have:

- (a) made a decision; or
- (b) exercised a power, or complied with an obligation; or
- (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation; that was made, exercised, complied with, or done (as the case requires) by the operation of a computer programme under an arrangement made under subsection (1).]

Attachment A

Arrangement under section 495A of the *Migration Act 1958* for the use of computer program to make decisions to grant visas

Coverage of Arrangement

1. DIAC provides an Internet-based service called e-visa. This service allows clients, or their agents, to lodge electronic visa applications through the DIAC website. Some of the electronic visas lodged through this service can be automatically processed and granted by the operation of a computer, without direct human intervention. This process is referred to as the 'autogrant' process. This Arrangement covers the grant, through the autogrant process, of e-visas of the following kinds:
 - Class TV.
2. It is intended that computer programs covered by this Arrangement will only grant visas where the criteria or grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria. The Arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa.

Description of Relevant Computer Programs

3. DIAC's primary computerised processing system for e-visas is ICSE - the Integrated Client Services Environment. ICSE is essentially a database that also provides an online processing and decision-recording function, tracks the process of visa applications and integrates the decision process with entry, s. 47E(d) and management reporting systems. Decisions to grant visas can be designed to occur manually or automatically through ICSE.
4. e-visa is a comprehensive visa application receipting system that allows complete and valid applications to be prepared and lodged via the Internet into ICSE.
5. ICSE includes programs that can evaluate assessment criteria for those e-visa categories listed in paragraph 1 above and automatically grant visas where the assessment criteria are met. These autogrant programs operate in conjunction with and where necessary draw and rely upon data in other departmental systems such as:
 - The eBusiness (e-visa) Server, available to clients through DIAC's Homepage;
 - s. 47E(d) ; and
 - Entry Documentation (ED) and Travel and Immigration Processing System (TRIPS) systems.
6. s. 47E(d)
[REDACTED]
[REDACTED] ED is a travel document matching system that detects travel document characteristics that are

of concern. TRIPS is a system DIAC uses to record visas held and travel undertaken by non-citizens.

The assessment criteria which the ICSE autogrant programs consider in reaching the point of autogrant vary with visa type. The following matters are relevant to and need to be satisfied under Class TV autogrant arrangements:

- valid application made while outside Australia;
- if the applicant holds an eVisitor eligible passport at the time of applying for the kind of visa;
- if the applicant has indicated the intention to visit Australia temporarily for tourism or business purposes;
- s. 47E(d) ;
- no Safeguards match (eg, no national security characteristics match); and
- no Entry Documentation (ED) concerns.

My Control of Relevant Computer Programs

Future Changes to those Computer Programs

7. The following information outlines how I, as the Minister's delegate under section 495A of the Act control relevant computer programs and, in doing so, control changes to those programs. This includes changes that may or may not require changes to this Arrangement. Computer programs require levels of change, including flexibility and speed of change such that no single delegate can physically endorse every change ahead of their occurrence. For this reason, tiers of administration exist, which enable creation of and changes to detailed design specification, the testing and the monitoring of systems and their performance. It is my expectation that only a change to the list of key criteria to be met at Attachment B will necessitate a new section 495A Arrangement. For example, if there are changes to the form fields that have to be completed, to the list of eligible nationalities or to the location at time of lodgement, a new Arrangement would not be required. However, if all form fields no longer needed completion, or location at time of lodgement was no longer a criteria for any applicant, a new Arrangement would be required.
8. In order to ensure that the use of the abovementioned computer programs for considering visa applications and making autogrant of visas remains under my control, systems changes impacting on such programs in any significant way must be approved by me, in accordance with DIAC's Systems Governance Arrangements, as follows:
 - In my role as Chief Information Officer (CIO), I chair both the Systems Committee and the Systems Executive Committee;
 - The above Committees receive and make decisions on information, findings and recommendations by DIAC's 6 Systems Boards;

- The Systems Boards are a primary point for identifying significant changes to computer programs covered by this Arrangement and will ensure such changes are brought to my attention. I will also retain the capacity to identify any such change in my role as chair of the Systems Committee and of the Systems Executive Committee;
- My expectation is that any significant change to the programs covered by this Arrangement will be endorsed by me and that minor changes will occur under (and be approved by or through) any one of the 6 Systems Boards. A very minor change will occur without any need for endorsement by me or the Boards;
- Examples of significant changes are the addition of new calling systems and wholesale changes to process flows;
- Examples of minor change include the s. 47E(d) [REDACTED], changes to eligible salary levels for visa applicants, age and nationality for various temporary entry visas and correction of inefficient or error-based processes that occur at a relatively low cost and with little or no perceived impact upon clients/applicants;
- Examples of very minor change include changes occurring for the purposes of computer maintenance and day-to-day performance. Very minor change can also include the matters covered under minor change when they are designed to be changes made by Systems Administrators as "Desktop Changes".

Attachment B
Arrangement under s 495A of the Migration Act 1958 for the use of computer
programmes to make decisions to grant visas
Key criteria to be met –eVisitor

CRITERIA	eVisitor
Form fields completed	Y
Valid passport	Y
Valid passport (eVisa) country	Y
Location – Offshore at time of lodgement*	Y
Location – Offshore at time of grant*	Y
Declaration of purpose of visit	Y
s. 47E(d)	Y
Safeguards clear	Y
ED clear	Y
ELIGIBLE COUNTRIES	
Andorra	Y
Austria	Y
Belgium	Y
Bulgaria	Y
Cyprus	Y
Czech Republic	Y
Denmark	Y
Estonia	Y
Finland	Y
France	Y
Germany	Y
Greece	Y
Hungary	Y
Iceland	Y
Ireland	Y
Italy	Y
Latvia	Y
Liechtenstein	Y
Lithuania	Y
Luxembourg	Y
Malta	Y
Monaco	Y
Netherlands	Y

Norway	Y
Poland	Y
Portugal	Y
Romania	Y
San Marino	Y
Slovakia	Y
Slovenia	Y
Spain	Y
Sweden	Y
Switzerland	Y
United Kingdom	Y
Vatican City (Holy See)	Y

NOTES to Attachment B

1. The listed criteria are the key criteria for autogrant purposes only and are not necessarily the criteria for eVisitor visas set out in the Migration Regulations which must, in any event, be satisfied. For example, completion of all fields is not a lawful criterion for this visa, but is essential in ensuring lawful criteria are met. Another example is that the Minister must be satisfied that the applicant seeks to enter or remain in Australia as a genuine visitor. These criteria are accepted as being met simply by completion of the relevant declarations.
2. Y means Yes (criterion must be met).
3. Applicant must be in same "location" at time of application lodgement and visa grant, ie, offshore and offshore.



Commonwealth of Australia

Migration Act 1958

**ARRANGEMENT FOR USE OF COMPUTER PROGRAMS FOR DESIGNATED
MIGRATION LAW PURPOSES
(SECTION 495A)**

I, s. 22(1)(a)(ii), Secretary of the Department of Immigration and Citizenship ('DIAC') acting under section 495A of the *Migration Act 1958* ('the Act') as the Minister's delegate hereby arrange, as provided in the Attachment, for the use, under my control, of an automated border processing system at certain Australian airports, SmartGate ABP Inwards, ('SmartGate') to perform a number of functions including:

- Obtaining health and character information from non-citizens eligible to use SmartGate under the arrangements set out in the Attachments; and
- Granting Special Category Visas to eligible New Zealand citizens under section 32 of the Act.

Attachments to this Arrangement are Attachments A and B.

This Arrangement, IMMI 11/076, commences on 1 January 2012

Dated 22 December 2011

s. 22(1)(a)(ii)

Secretary Department of Immigration and Citizenship

[NOTES:

1. Section 495A of the Act provides that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law

- (a) make a decision; or
- (b) exercise any power, or comply with any obligation; or
- (c) do anything else related to making a decision, exercising a power, or complying with an obligation.

AND

The Minister is taken to have:

- (a) made a decision; or
- (b) exercised a power, or complied with an obligation; or
- (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation;
that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under subsection (1).

2. Subsection 496(1) of the Act provides that the Minister may, by writing, delegate to a person any of the Minister's powers under the Act.]

Attachment A
Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas

Coverage of Arrangement

1. SmartGate is a voluntary alternative to manual processing at the border whereby the holders of prescribed 'e-Passports' arriving and departing Australia (including Australian citizens and selected non-citizens) can have their identity, and in the case of non-citizens, their visa and identity, verified by an automated system without the need for a clearance officer to be present during the process.
2. To be eligible to use SmartGate, non-citizens must hold a passport which the Minister or the Secretary has determined as eligible.
3. SmartGate will take a live image of the traveller and compare this with the stored image on the 'smart chip' in the e-Passport to verify the identity of the traveller. It will also perform immigration and Customs checks, including alert lists, before permitting a person to enter Australia, as well as collect information which is required to be provided for the purposes of immigration clearance. This information is related to health and character checking.
4. This Arrangement covers the grant, through the automated process, of the subclass 444 (Special Category) visa. SmartGate will enable New Zealand citizens who hold an e-Passport to apply for and be granted a Special Category Visa using the automated system, without the need for a clearance officer to be present.
5. It is intended that computer programs covered by this Arrangement will only grant visas where the criteria or grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria. The Arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa or refuse immigration clearance.

Description of Relevant Computer Programs

6. Advance Passenger processing (APP) provides DIAC with information on all passengers and crew travelling to Australia. This information is collected at check-in through the APP system and transmitted to Australia for use by border agencies prior to arrival of the aircraft. The data transmitted to Australia is cross-checked against Australia's immigration databases (TRIPS and MAL).
7. Travel and Immigration Processing System (TRIPS) is an integrated computer system DIAC uses to record visas held, Australian and New Zealand passport details, s. 47E(d) [REDACTED] and travel undertaken by non-citizens. TRIPS creates movement records for passengers arriving and departing from Australia and stores information of passengers referred to DIAC.
8. s. 47E(d) [REDACTED]
9. As a result of matching of APP data against TRIPS, an 'Expected Movement' record for each arriving passenger is created where an Enter or Refer directive is recorded for those passengers who should be referred to DIAC officers at the border for further checking.

10. At the border, Customs officers (and the SmartGate system) process passengers into the PACE (Passenger Analysis, Clearance and Evaluation) system. Expected Movements are passed to PACE and used by SmartGate to match with the passport data from e-Passports held by the passengers.
11. SmartGate is an automated processing system, owned by Customs, which relies on DIAC APP Arrival Expected Movement information for matching against information contained in the International Civil Aviation Organisation (ICAO) eligible e-Passports which have been approved by DIAC. SmartGate will match a live image of each passenger with the image contained in the smart chip and collect information required for immigration clearance and visa grants. SmartGate will confirm the Expected Movement and store information in PACE which is transferred to DIAC TRIPS.
12. The assessment criteria which SmartGate will consider in reaching the point of immigration clearance reflect DIAC's business requirements as well as the detailed technical variables. A full list of key business criteria is listed in Attachment B. The following matters are relevant to and need to be satisfied under the SmartGate automated immigration clearance arrangements:
 - no visa conditions requiring manual verification;
 - no visa types requiring manual verification to substantiate status of the passenger;
 - no endorsees on passports;
 - visa holder within certain height range;
 - acceptable and validated travel document (ICAO eligible e-Passport approved by DIAC);
 - visa holder within certain age ranges;
 - no declaration of adverse character or health concerns;
 - no immigration directive set to R (refer) on the Expected Movement;
 - details of the e-Passports match corresponding details on the DIAC APP Arrival Expected Movement;
 - clearance against a current Expected Movement (the expected arrival date is a future date, the current date or no more than one day old);
 - traveller verified as a legitimate holder of the e-Passport presented;
 - verification of passport issuing authority.

Attachment B

Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas or immigration clearance

Key Business Criteria

CRITERIA	Special Category Visa (TY444)	Australian Passport Holder	Australian Visa Holders	Foreign Crew
Traveller must be within height range	Y	Y	Y	Y
Traveller must hold an approved ICAO ePassport	Y	Y	Y	Y
Traveller must have a valid expected movement record (EMR)	Y	Y	Y	Y
Traveller must be of a nationality eligible to self process	Y	Y	Y	Y
Traveller's EMR must have an immigration directive of 'E'	Y	Y	Y	Y
Traveller must be within age range	16+	16+	16+	16+
Traveller must hold a visa subclass valid for self processing (Non CJV)	N	N	Y	Y
Traveller must not have one or more of the following visa conditions: - MARRIED? (8515) - ACCOMPANIED? (8502) - NVFFT - ADS-CHK GRP	N/A	N/A	Y	N/A
Travellers ePassport smart chip will be authenticated	Y	Y	Y	Y
Traveller will complete Yellow Fever Questions	Y	Y	Y	N
Traveller will complete Health Questions	Y	N	Y	N
Traveller will complete Character Questions	Y	N	Y	N
Traveller will complete a Legal Declaration	Y	Y	Y	N
Travellers who answer 'Yes' to H & C Questions will be referred to PLO	Y	N/A	Y	N/A
Traveller must successfully match the image contained in the ePassport smart chip	Y	Y	Y	Y



Commonwealth of Australia

Migration Act 1958

**ARRANGEMENT FOR THE USE OF COMPUTER PROGRAM TO MAKE
DECISIONS TO GRANT BRIDGING VISAS
(SECTION 495A)**

I, s. 22(1)(a)(ii) Deputy Secretary to the Department of Immigration and Citizenship ('DIAC'), acting under section 495A of the *Migration Act 1958* ('the Act') as the Minister's delegate:

1. REVOKE Instrument number 08/060 "Arrangement for the use of Computer Program to make Decisions to Grant Bridging Visas" signed on 12 December 2008; AND
2. ARRANGE, as provided in Attachment A, for the use, under my control, of computer programs for the purposes of considering applications for certain types of bridging visas and for making decisions to grant such visas under the Act.

The visas covered under this arrangement are:

1. Class WA; and
2. Class WC.

The Class WA visa and Class WC visa can be

- autograntable where the applicant is in Australia and has lodged a valid online application for one of the following visa types:
 - Business Skills
 - Permanent Employer Nomination
 - General Skilled Migration
 - Spouse
 - Students
 - Temporary Business
 - Visitor
 - Working Holiday

- autogranting where the applicant is in Australia and has lodged a valid paper application for a visa for one of the following types:
 - General Skilled Migration
 - Temporary Business

This Arrangement, IMMI 12/028, comes into effect on 1 July 2012 immediately after the commencement of *Migration Amendment Regulation 2012 (No.2)*.

Dated 2 June 2012

s. 22(1)(a)(ii)

Deputy Secretary

BUSINESS SERVICES

[NOTE: Subsections 495A(1) and (2) of the Act provide that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law

- (a) make a decision; or
- (b) exercise any power, or comply with any obligation; or
- (c) do anything else related to making a decision, exercising a power, or complying with an obligation.

AND

The Minister is taken to have:

- (a) made a decision; or
- (b) exercised a power, or complied with an obligation; or
- (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation;

that was made, exercised, complied with, or done (as the case requires) by the operation of a computer programme under an arrangement made under subsection (1).]

Attachment A

Arrangement under section 495A of the *Migration Act 1958* for the use of computer program to make decisions to grant visas

Coverage of Arrangement

1. DIAC provides an Internet-based service for clients, permitting electronic lodgement of visa applications. This service allows clients, or their agents, to lodge electronic visa applications through the DIAC website. Some of the electronic visas applications lodged through this service can be automatically processed and granted by the operation of a computer, without direct human intervention. This process is referred to as the 'autogrant' process. This Arrangement covers the grant, through the autogrant process, of visas of the following kinds:
 - Class WA; and
 - Class WC.
2. In addition to online lodgement services, DIAC has a system of combined human processing and automated electronic processing of visa applications. This system allows for an authorised person to electronically record the information supplied by the applicant on a paper form for a visa application. The application then goes through the autogrant process in respect to validity of the application. This Arrangement covers the grant, through the autogrant process, of visas of the following kinds:
 - Class WA; and
 - Class WC.
3. It is intended that computer programs covered by this Arrangement will only grant visas where the criteria or grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria. The Arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa.

Description of Relevant Computer Programs

4. DIAC's visa processing systems support online lodgement of applications by providing a database with visa processing and decision-recording functions. They also track the process of visa applications and integrate the decision process with entry, s. 47E(d) and management reporting systems. Decisions to grant visas can be designed to occur manually or automatically through the visa processing systems.
5. DIAC's online lodgement service is a comprehensive visa application receipting system that allows complete and valid applications to be prepared and lodged via the Internet into DIAC's visa processing systems.
6. DIAC's visa processing systems include programs that can evaluate assessment criteria for those visa categories listed in paragraph 1 above and automatically grant visas where the assessment criteria are met. These autogrant programs operate in conjunction with, and where necessary draw and rely upon, data in other departmental systems such as:
 - The eBusiness (e-visa) Server, available to clients through DIAC's Homepage;

- s. 47E(d) [REDACTED] and
- Entry Documentation (ED) and Travel and Immigration Processing System (TRIPS) systems.

7. s. 47E(d) [REDACTED]
[REDACTED]
[REDACTED] ED is a travel document matching system that detects travel document characteristics that are of concern. TRIPS is a system DIAC uses to record visas held and travel undertaken by non-citizens.

8. The assessment criteria which the visa processing systems autogrant programs consider in reaching the point of autogrant vary with visa type, depending on criteria contained in the *Migration Regulations 1994*. The following matters are relevant to and need to be satisfied under Class WA and Class WC visa autogrant arrangements:

- valid application made while in Australia for a kind of substantive visa specified in the covering arrangement;
- the substantive visa applied for has not been autogrant;
- if the applicant holds a substantive visa at the time of applying for the kind of visa specified in the covering arrangement – Class WA is the appropriate Bridging visa;
- if the applicant does not hold a substantive visa at the time of applying for the kind of visa specified in the covering arrangement – Class WC is the appropriate Bridging visa;
- s. 47E(d) [REDACTED]
- no Safeguards match (eg, no national security characteristics match); and
- no ED concerns.

My Control of Relevant Computer Programs

Future Changes to those Computer Programs

9. The following information outlines how I, as the Minister's delegate under section 495A of the Act, control relevant computer programs and, in doing so, control changes to those programs. This includes changes that may or may not require changes to this Arrangement. Computer programs require levels of change, including flexibility and speed of change such that no single delegate can physically endorse every change ahead of their occurrence. For this reason, tiers of administration exist, which enable creation of and changes to detailed design specification, the testing and the monitoring of systems and their performance. It is my expectation that a new section 495A Arrangement would not be required in circumstances where for example, there are changes to the form fields that have to be completed, or to the location at time of lodgement. However, if all form fields no longer needed completion, or location at time of lodgement was no longer a criteria for any applicant, a new Arrangement would be required.

10. In order to ensure that the use of the abovementioned computer programs for considering visa applications and making autogrants of visas remains under my control, systems changes impacting on such programs in any significant way must be approved by me, in accordance with DIAC's Systems Governance Arrangements, as follows:

- In my role as Deputy Secretary Business Services Group I chair the Systems Executive Committee;
- The above Committee receives and make decisions on information, findings and recommendations by DIAC's Systems Boards;
- The Systems Boards are a primary point for identifying significant changes to computer programs covered by this Arrangement and will ensure such changes are brought to my attention. I will also retain the capacity to identify any such change in my role as chair of the Systems Executive Committee;
- My expectation is that any significant change to the programs covered by this Arrangement will be endorsed by me and that minor changes will occur under (and be approved by or through) any one of the Systems Boards. A very minor change will occur without any need for endorsement by me or the Boards;
- Examples of significant changes are the addition of new calling systems and wholesale changes to process flows;
- Examples of minor change include the resetting of s. 47E(d) changes to eligible salary levels for visa applicants, age and nationality for various temporary entry visas and correction of inefficient or error-based processes that occur at a relatively low cost and with little or no perceived impact upon clients/applicants;
- Examples of very minor change include changes occurring for the purposes of computer maintenance and day-to-day performance. Very minor change can also include the matters covered under minor change when they are designed to be changes made by Systems Administrators as "Desktop Changes".



Commonwealth of Australia

Migration Act 1958

Migration Regulations 1994

**ARRANGEMENT FOR THE ISSUING OF INVITATIONS TO APPLY FOR
CERTAIN SKILLED VISAS USING SKILLSELECT
(SECTION 495A)**

I, s. 22(1)(a)(ii) Acting Deputy Secretary to the Department of Immigration and Citizenship ('DIAC'), acting under section 495A of the *Migration Act 1958* ('the Act') as the Minister's delegate ARRANGE, as provided in Attachment A, for the use, under my control, of computer programs for the purposes of inviting prospective migrants who have submitted complete expressions of interest to make valid applications for certain skilled visas, under designated migration law.

The following visa subclasses are covered under this Arrangement:

Points tested and State/Territory nominated skilled visas

- 1 Skilled-Independent (Permanent) (Class SI) Subclass 189 (Skilled-Independent).
- 2 Skilled-Nominated (Permanent) (Class SN) Subclass 190 (Skilled-Nominated).
- 3 Skilled-Regional Sponsored (Provisional) (Class SP) Subclass 489 Skilled -Regional (Provisional).

Business skills and Business Innovation and Investment

- 4 Business Skills (Provisional) (Class EB) Subclass 188 – Business Innovation and Investment (Provisional).
- 5 Business Skills – Business Talent (Permanent) (Class EA) Subclass 132 - Business Talent.

This Arrangement applies to all Expressions of Interest (EoIs) submitted in SkillSelect and all invitations to apply to migrate issued by SkillSelect from 1 July 2012.

Attachments to this Arrangement are **Attachment A** and **Attachment B**.

This Arrangement, IMMI 12/109, commences upon signature.

Dated 2 OCTOBER 2012

s. 22(1)(a)(ii)

Acting Deputy Secretary to the Department of Immigration and Citizenship

- [NOTE 1: Subsection 495A(1) of the Act provides that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law make a decision; or exercise any power, or comply with any obligation; or do anything else related to making a decision, exercising a power, or complying with an obligation.
- NOTE 2: Subsection 495A(2) of the Act provides that the Minister is taken to have made a decision; or exercised a power, or complied with an obligation; or done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation; that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under subsection (1).

Attachment A

Arrangement under section 495A of the *Migration Act 1958* for the issuing of invitations to apply for certain skilled visas using SkillSelect

Coverage of Arrangements (What SkillSelect includes)

1. Implementation of SkillSelect – brief overview

SkillSelect was implemented on 1 July 2012 to assist management of the Skilled Migration Program by:

- (a) better matching the number of applications to the number of places available in the annual permanent Skilled Migration Program, minimising backlogs in the future; and
- (b) sourcing the most qualified applicants to apply for permanent skilled migration while giving consideration to labour market needs.

Schedule 1 of the *Migration Regulation 1994* requires certain applicants to have been invited by the Minister in order to make a valid application for a visa. The SkillSelect system has been established to gather Expressions of Interest (EoIs) from prospective migrants interested in applying for a skilled visa. The SkillSelect system uses objective rules in exercising the Minister's power under the following provisions, to issue invitations to prospective migrants most likely to benefit Australia economically:

- Item 1, in the table for subitems 1104AA(4) and (5);
- Item 1, in the table for subitem 1137(4);
- Item 1, in the table for subitem 1138(4);
- Item 1, in the table for subitems 1202B(4) and (5); and
- Item 1, in the table for subitem 1230(4).

Description of Relevant Computer Programs

2. Expression of Interest process

Skilled persons interested in migrating to Australia may submit an EoI for skilled visas included in this arrangement through SkillSelect. The Minister will consider whether to issue an invitation to a prospective migrant where they have submitted a complete online EoI through SkillSelect for a particular visa.

The questions in SkillSelect are linked to the eligibility and points test related criteria of the relevant visa(s) the prospective migrant has selected. These will include items such as:

- Occupation
- Educational qualifications
- Skills assessment
- Work experience
- English language ability

Prospective migrants can complete an EoI for any combination of visas in SkillSelect in which they are interested and where they claim to meet the minimum eligibility criteria for that visa. The threshold eligibility criteria for each subclass are included at Attachment B.

An EoI is valid for two years from the time it is submitted. The EoI will be removed from SkillSelect if:

2/10/12

- two invitations to apply are issued to an EoI that do not lead to a visa application being lodged;
- if the terms and conditions of SkillSelect are violated;
- if the prospective migrant submits a visa application on the basis of an invitation that is refused or withdrawn;
- a time period of two years elapses from the date of submission of the EoI; or
- the prospective migrant withdraws their EoI.

At the expiration or withdrawal of the EoI, the prospective migrant is informed of the expiration/withdrawal of the EoI. It is open to a prospective migrant to submit a fresh EoI.

3. Invitation Process - Invitations for Subclass 189 Skilled – Independent and Subclass 489 Skilled – Regional (Provisional) visas

For Subclass 189 Skilled – Independent and Subclass 489 Skilled – Regional (Provisional), invitations are issued in rank order, subject to the occupation ceiling and set maximum number of invitations. Subclass 189 Skilled – Independent EoIs are ranked separately from Subclass 489 Skilled – Regional (Provisional) EoIs. The occupation ceiling applies to all Subclass 189 Skilled – Independent, Subclass 190 Skilled - Nominated and Subclass 489 Skilled – Regional (Provisional) visas in total, rather than to each visa subclass.

SkillSelect will issue invitations on behalf of the Minister through a fully automated process, based upon objective criteria. Departmental officers are not involved in the issuing of invitations because the Minister has not delegated this power.

The Minister has determined that the following requirements apply in order to determine whether a prospective migrant will be issued an invitation:

- (a) Process for issuing invitations to prospective migrants for Subclass 189 Skilled – Independent and Subclass 489 Skilled – Regional (Provisional) visas is as follows:
 - (i) invitation rounds will be conducted periodically, such as on the last day of each month;
 - (ii) the Department will publish the maximum number of invitations the Minister may issue in each visa subclass in each invitation round;
 - (iii) the invitation process will be conducted first for the Subclass 189 Skilled – Independent visa, then for the family sponsored stream of the Subclass 489 Skilled – Regional (Provisional) visa;
 - (iv) rankings for all prospective migrants with complete EoIs for independent and family sponsored skilled visas are recalculated as the first part of the invitation process, to ensure that the client's rank is accurate to their claims in SkillSelect at that time;
 - (v) ranks are calculated for independent visa EoIs using the objective skilled migration points test, where prospective migrants with equal points score are ranked according to the date and time of submission of the complete EOI. Earlier dates and times are ranked above later dates and times.

From the highest scoring prospective migrants down in EoI date order, prospective migrants are invited to apply for Subclass 189 Skilled – Independent visas, until:

- the annual occupational ceiling is reached for the prospective migrants' declared relevant occupational group; or
- the maximum number of invitations for the invitation round is reached; or

- there are no further prospective migrants with complete EoIs for this visa remaining in SkillSelect that meet the points test pass mark for these visas.

The number of invitations issued is also based on a consideration of the annual planning level for the Skilled Migration program.

From the highest scoring prospective migrants down in EoI date of effect order, prospective migrants are invited to apply for a **Subclass 489 Skilled – Regional (Provisional) visa**, until:

- the annual occupational ceiling is reached for the prospective migrants' declared relevant occupational group; or
- the maximum number of invitations for the invitation round is reached; or
- there are no further prospective migrants with complete EoIs for this visa remaining in SkillSelect above the points test pass mark for these visas.

The number of invitations issued is also based on a consideration of the annual planning level for the Skilled Migration program.

4. Invitation Process - Invitations for State/Territory government nominated and business skills and business innovation and investment visas

Delegates from State/Territory governments with authorised access to that jurisdiction's AUSKey are able to access the SkillSelect database at any time and nominate prospective migrants.

The Minister has determined that the following requirements apply in determining whether a prospective migrant will be issued an invitation for state and territory nominated visa subclasses included in this arrangement.

The process for issuing invitations to prospective migrants for State/Territory government nominated business innovation and investment or Business Talent visas is as follows:

- (a) Invitations will be issued by the Minister provided all of the following are met:
 - (i) the nominating State/Territory government has places available in its State Migration Plan for that visa subclass in that program year;
 - (ii) the prospective migrant has been nominated by a State/Territory government through SkillSelect for a Subclass 188 Business Innovation and Investment (Provisional) or Subclass 132 – Business Talent visa in a particular stream; and
 - (iii) the prospective migrant indicates they meet the points test pass mark for the Subclass 188 Business Innovation and Investment (Provisional) visa.

5. Planning levels

The number of invitations issued for the subclasses covered by this arrangement influences the maximum number of visa grants that can be made for subclasses requiring invitations. One purpose of SkillSelect is to match applications to the Skilled Migration Program planning levels. The annual Skilled Migration Program planning level is set by Government and this is used to enter planning levels in SkillSelect for each automated invitation round, which will be monthly, or as required. It will also be set for State and Territory Government nominated visas, at the sub program level.

Consequently, planning levels will be set with consideration for the following factors:

- (a) Skilled Independent and Skilled Regional (family) sponsored

- (i) Skilled Migration Program levels
- (ii) anticipated refusal rate
- (iii) anticipated rate of invited EoIs that do not lodge visa applications
- (iv) family size per application
- (b) State and Territory Nominated visa types
 - (i) Negotiated State Migration Plans per State and Territory, which are based on economic and labour market factors of each jurisdiction
 - (ii) One yearly number will be set per jurisdiction for each sub-program within the Skilled Migration Program. These are
 - Points tested skilled migration; and
 - Business Innovation and Investment

6. Invitation Format

Invitations issued to clients will be electronic messages accessible through the SkillSelect system, with a notification email sent to the client's email address as submitted in SkillSelect to notify that client of an invitation.

7. Occupational Ceilings

Occupational ceilings apply for the Subclass 189 Skilled – Independent, Subclass 190 Skilled – Nominated and Subclass 489 Skilled – Regional (Provisional) visas. The ceiling does not apply to the employer sponsored Business Skills or Business Innovation and Investment (Provisional) visas.

The purpose of the ceiling is to ensure that the points tested aspects of the Skilled Migration program are not dominated by a limited range of occupations, which could create surplus supply of particular occupations in the Australian labour market.

Occupational ceilings will be prepared annually, and are published on the Department's internet site, with regular updates on invitations issued against each occupational ceiling.

If invitations to apply for skilled migration reach the ceiling for any occupation group, SkillSelect will not issue any further invitations to apply to migrate during the program year. This means that when an occupational ceiling is reached, SkillSelect may, in the case of Subclass 189 Skilled – Independent and Subclass 489 Skilled – Regional (Provisional), send invitations to lower ranked EoIs in occupational groups which have not reached their occupational ceiling.

The occupation ceiling does not apply to the Business Innovation and Investment program, Subclass 188 Business Innovation and Investment (Provisional) and Subclass 132 – Business Talent visas or Employer Sponsored visas.

8. Future Changes to Relevant Computer Programs

The following information outlines how I as the Minister's delegate under section 495A of the Act, control relevant computer programs and, in doing so, control changes to those programs. This includes changes that may or may not require changes to this Arrangement. Computer programs require levels of change, including flexibility and speed of change such that no single Delegate can physically endorse every change ahead of their occurrence. For this reason, tiers of administration exist, which enable creation of and changes to detailed design specification, the testing and the monitoring of systems and their performance. It is my expectation that a new section 495A Arrangement would not be required in circumstances where, for example, there are changes to the form fields that have to be completed, or to reflect changes to other elements of The Regulations. However, if the process for invitations changes substantively from the description given here, a new Arrangement would be required.

In order to ensure that the use of the abovementioned computer programs for issuing invitations to apply for relevant visas to clients that submitted an EoI remains under my control, systems changes impacting on such programs in any significant way must be improved by me, in accordance with DIAC's systems governance arrangements as follows:

- any significant change to the programs covered by this Arrangement will be endorsed by me and that minor changes will occur under (and be approved by or through) the business and systems owners of SkillSelect. A very minor change will occur without any need for endorsement by me or the systems or business owner;
- examples of significant changes are the addition of new calling systems and wholesale changes to process flows;
- examples of minor change include any change reflecting legislative changes occurring in visas included in SkillSelect, and, correction of inefficient or error-based processes that occur at a relatively low cost and with little or no perceived negative impact upon clients; and
- examples of very minor change include changes occurring for the purposes of computer maintenance and day-to-day performance, such as continuing improvement in help text and form flow. Very minor change can also include matters covered under minor change when they are designed to be change made by Systems Administrators as "Desktop Changes".

Attachment B

Threshold eligibility to complete an EOI				
Skilled Independent (189), Skilled Regional sponsored (489) and State/Territory nominated (190 & 489)				
Threshold criteria	Subclass			
	189	190	489 (State/Territory) Nominated	489 (Skilled Regional sponsor)
Age	<50	<50	<50	<50
Occupation is on the list of occupations	SOL	CSOL	CSOL	CSOL
Has a skills assessment that is	Satisfactory	Satisfactory	Satisfactory	Satisfactory
English	Competent	Competent	Competent	Competent
Complete points test self-assessment	Yes	Yes	Yes	Yes
Seeking nomination by State/ Territory govt	NA	Yes	Yes	NA
Has relevant family member that could sponsor	NA	NA	NA	Yes
Willingness to reside in regional Australia	NA	NA	Yes	Yes
Threshold eligibility to complete an EoI				
Business Innovation and Investment (188) and Business Talent (132)				
Threshold criteria	Subclass			
	188 Business Innovation stream	188 Investor stream	132 Significant Business History stream	132 Venture Capital stream
Age	<55 or seeks exemption	<55 or seeks exemption	<55 or seeks exemption	N/A
Personal & business assets	AUD 800 000	AUD 2 250 000	AUD 1 500 000	No
Business / investment	AUD 500 000 in business turnover in 2 out of last 4 fiscal years	NA	Business assets of AUD 400 000	NA
Complete points test self-assessment	Yes	Yes	NA	NA
Seeking nomination by State / Territory	Yes	Yes	Yes	Yes
Declares that they intend to have relevant Venture Capital Funding by time of decision of visa application	NA	NA	NA	Yes

2/10/12



Commonwealth of Australia

Migration Act 1958

**ARRANGEMENT FOR USE OF COMPUTER PROGRAMS FOR DESIGNATED
MIGRATION LAW PURPOSES**

(Section 495A)

I, s. 22(1)(a)(ii) Secretary of the Department of Immigration and Citizenship ('DIAC') acting under section 495A of the *Migration Act 1958* ('the Act') as the Minister's delegate hereby arrange, as provided in the Attachment, for the use, under my control, of an automated border processing system at certain Australian airports, SmartGate ABP Inwards, ('SmartGate') to perform a number of functions including:

- Obtaining health and character information from non-citizens eligible to use SmartGate under the arrangements set out in the Attachments; and
- Granting Special Category Visas to eligible New Zealand citizens under section 32 of the Act.

Attachments to this Arrangement are Attachments A and B.

This Arrangement, IMMI 13/104 commences on 26 August 2013.

Dated 22 August 2013

s. 22(1)(a)(ii)

Secretary Department of Immigration and Citizenship

s. 22(1)(a)(ii)

Attachment A
Arrangement under s 495A of the Migration Act 1958 for the use of computer programs
to make decisions to grant visas

Coverage of Arrangement

1. SmartGate is a voluntary alternative to manual processing at the border whereby the holders of prescribed 'e-Passports' arriving and departing Australia (including Australian citizens and selected non-citizens) can have their identity, and in the case of non-citizens, their visa and identity, verified by an automated system without the need for a clearance officer to be present during the process.
2. To be eligible to use SmartGate, non-citizens must hold a passport which the Minister or the Secretary has determined as eligible.
3. SmartGate will take a live image of the traveller and compare this with the stored image on the 'smart chip' in the e-Passport to verify the identity of the traveller. It will also perform immigration and Customs checks, including alert lists, before permitting a person to enter Australia, as well as collect information which is required to be provided for the purposes of immigration clearance. This information is related to health and character checking.
4. This Arrangement covers the grant, through the automated process, of the subclass 444 (Special Category) visa. SmartGate will enable New Zealand citizens who hold an e-Passport to apply for and be granted a Special Category Visa using the automated system, without the need for a clearance officer to be present.
5. It is intended that computer programs covered by this Arrangement will only grant visas where the criteria or grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria. The Arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa or refuse immigration clearance.

Description of Relevant Computer Programs

6. Advance Passenger Processing (APP) provides DIAC with information on all passengers and crew travelling to Australia. This information is collected at check-in through the APP system and transmitted to Australia for use by border agencies prior to arrival of the aircraft. The data transmitted to Australia is cross-checked against Australia's immigration databases (TRIPS and MAL).
7. Travel and Immigration Processing System (TRIPS) is an integrated computer system DIAC uses to record visas held, Australian and New Zealand passport details, s. 47E(d) and travel undertaken by non-citizens. TRIPS creates movement records for passengers arriving and departing from Australia and stores information of passengers referred to DIAC.
8. s. 47E(d)
9. As a result of matching of APP data against TRIPS, an 'Expected Movement' record for each arriving passenger is created where an Enter or Refer directive is recorded for those passengers who should be referred to DIAC officers at the border for further checking.

10. At the border, Customs officers (and the SmartGate system) process passengers into the PACE (Passenger Analysis, Clearance and Evaluation) system. Expected Movements are passed to PACE and used by SmartGate to match with the passport data from e-Passports held by the passengers.
11. SmartGate is an automated processing system, owned by Customs, which relies on DIAC APP Arrival Expected Movement information for matching against information contained in the International Civil Aviation Organisation (ICAO) eligible e-Passports which have been approved by DIAC. SmartGate will match a live image of each passenger with the image contained in the smart chip and collect information required for immigration clearance and visa grants. SmartGate will confirm the Expected Movement and store information in PACE which is transferred to DIAC TRIPS.
12. The assessment criteria which SmartGate will consider in reaching the point of immigration clearance reflect DIAC's business requirements as well as the detailed technical variables. A full list of key business criteria is listed in Attachment B. The following matters are relevant to and need to be satisfied under the SmartGate automated immigration clearance arrangements:
 - no visa conditions requiring manual verification;
 - no visa types requiring manual verification to substantiate status of the passenger;
 - no endorsees on passports;
 - visa holder within certain height range;
 - acceptable and validated travel document (ICAO eligible e-Passport approved by DIAC);
 - visa holder within certain age ranges;
 - no declaration of adverse character or health concerns;
 - no immigration directive set to R (refer) on the Expected Movement;
 - details of the e-Passports match corresponding details on the DIAC APP Arrival Expected Movement;
 - clearance against a current Expected Movement (the expected arrival date is a future date, the current date or no more than one day old);
 - traveller verified as a legitimate holder of the e-Passport presented;
 - verification of passport issuing authority.

Attachment B

Arrangement under s 495A of the Migration Act 1958 for the use of computer programs to make decisions to grant visas or immigration clearance

Key Business Criteria

CRITERIA	Special Category Visa (TY444)	Australian Passport Holder	Australian Visa Holders	Foreign Crew
Traveller must be within height range	Y	Y	Y	Y
Traveller must hold an approved ICAO ePassport	Y	Y	Y	Y
Traveller must have a valid expected movement record (EMR)	Y	Y	Y	Y
Traveller must be of a nationality eligible to self process	Y	Y	Y	Y
Traveller's EMR must have an immigration directive of 'E'	Y	Y	Y	Y
Traveller must be within age range	16+	10+	16+	16+
Traveller must hold a visa subclass valid for self processing (Non CJV)	N	N	Y	Y
Traveller must not have one or more of the following visa conditions: - MARRIED? (8515) - ACCOMPANIED? (8502) - NVFFT - ADS-CHK GRP	N/A	N/A	Y	N/A
Travellers ePassport smart chip will be authenticated	Y	Y	Y	Y
Traveller will complete Yellow Fever Questions	Y	Y	Y	N
Traveller will complete Health Questions	Y	N	Y	N
Traveller will complete Character Questions	Y	N	Y	N
Traveller will complete a Legal Declaration	Y	Y	Y	N
Travellers who answer 'Yes' to H & C Questions will be referred to PLO	Y	N/A	Y	N/A
Traveller must successfully match the image contained in the ePassport smart chip	Y	Y	Y	Y



Commonwealth of Australia

Migration Act 1958

**INSTRUMENT OF ARRANGEMENT FOR USE OF COMPUTER PROGRAMS FOR
DESIGNATED MIGRATION LAW PURPOSES 2016/020**

(Section 495A)

I, *PETER VARDOS*, Acting Secretary of the Department of Immigration and Border Protection, Delegate of the Minister of Immigration and Border Protection under the Instrument of Delegation 2015 (DEL 15/103) and acting under section 495A of the *Migration Act 1958* (the Act):

1. ARRANGE for the use, under my control, of the computer programs specified in Schedule A to this Instrument, to exercise the power to require a person to provide one or more personal identifiers under section 257A.

Details of the arrangement and a description of the relevant computer programs are set out in Schedule B and Schedule C to this Instrument.

This Instrument of Arrangement 2016/020, IMMI 16/020, commences immediately after signature.

Dated:

17th February

2016

s. 22(1)(a)(ii)



Acting Secretary of the Department of Immigration and Border Protection

SCHEDULE A

SPECIFIED COMPUTER PROGRAMS
Integrated Client Service Environment (ICSE)
Immigration Records Information System (IRIS)
Enterprise Correspondence System (ECS)

SCHEDULE B

Arrangement under section 495A of the *Migration Act 1958* for the use of computer programs to require the provision of personal identifiers

Coverage of Arrangement

Section 257A of the Act was inserted into the Act by the *Migration Amendment (Strengthening Biometrics Integrity) Act 2015* (the Strengthening Biometrics Integrity Act). The Strengthening Biometrics Integrity Act amended the Act to:

- provide a single broad discretionary power to collect one or more personal identifiers from non-citizens and the same broad collection power with regard to citizens at the border;
- enable flexibility on the types of personal identifiers that may be required, the circumstances in which they may be collected, and the places where they may be collected;
- enable personal identifiers to be provided by an identification test or by another way specified by the Minister or an officer of the Department;
- enable personal identifiers to be collected from minors and incapable persons under the new broad collection power without the need to obtain consent, or require the presence of a parent, guardian or independent person during the collection; and
- remove redundant provisions resulting from the above amendments.

It is intended that the automated letter requiring personal identifiers from a visa applicant is taken to be an exercise by the Minister of his power under the new section 257A of the Act. This automated letter is sent out or generated by the computer programs specified in this Instrument.

A new paragraph 495A(3)(aa) of the Act was also inserted by the Strengthening Biometrics Integrity Act. This amendment adds section 257A to the definition of *designated migration law*. The effect of this amendment is that the Minister is empowered to make arrangements for the use of computer programs for the purposes of section 257A.

This Arrangement does not authorise the use of the specified computer programs to make decisions to refuse to grant a visa or refuse immigration clearance.

Description of Computer Programs

The Integrated Client Services Environment (ICSE) and Immigration Records Information System (IRIS) are information technology platforms used for visa and citizenship processing. The Enterprise Correspondence System (ECS) is used to manage and update correspondence templates used to communicate with clients.

This Instrument is intended to cover minor changes or upgrades to these computer programs (for example, updating a correspondence template in ECS or updating maintenance processes).

SCHEDULE C

Specific details of the arrangement under section 495A of the *Migration Act 1958* for the use of computer programmes to require the provision of personal identifiers

For the purposes of section 257A of the Act, ICSE and IRIS provide:

- the ability to collect personal identifiers;
- the flexibility to collect (capture) personal identifiers from non-citizens, of a type authorised under the Act, where a legitimate purpose is engaged;
- the ability to collect and process personal identifiers from minors and incapable clients regardless of consent, or the presence during collection, of a guardian or independent person;
- the ability to record when personal identifiers are not collected from minors and/or incapable clients in the absence of consent or the presence during collection, of a guardian or independent person; and
- the ability to report the number of instances in which personal identifiers are not collected from minors and incapable clients in the absence of consent or the presence during collection, of a parent, guardian or independent person.

ECS manages correspondence templates such as the letter used by the Minister or the officers of the Department to require a citizen or non-citizen to provide one or more personal identifiers. This computer programme provides the Minister or the officer of the Department with an efficient and effective way of requiring a person to provide his or her personal identifiers pursuant to section 257A of the Act.



Commonwealth of Australia

Migration Act 1958

ARRANGEMENT FOR THE USE OF A COMPUTER PROGRAM 2016/030

(Section 495A)

I, **s. 22(1)(a)(ii)** Senior Executive Service, Band 3 of the Policy Group in the Department of Immigration and Border Protection, acting under section 495A of the *Migration Act* (the Act) as the Minister's delegate, arrange for the use of the computer program, *eLodgement PLUS*, as detailed in the Attachment to this Instrument, for the following purposes:

1. to require, under subclause 500.213(1) of Schedule 2 to the *Migration Regulations 1994* (the Regulations), an applicant of a Subclass 500 (Student) visa to give to the Minister evidence that the applicant has a level of English language proficiency that meets the requirements specified in an instrument under paragraph 500.213(3)(a) of Schedule 2 to the Regulations;
2. to require, under subclause 500.214(3) of Schedule 2 to the Regulations, an applicant of a Subclass 500 (Student) visa to give to the Minister evidence of financial capacity that satisfies the requirement specified in an instrument under subclause 500.214(4) of Schedule 2 to the Regulations;
3. to require, under subclause 500.313(3), an applicant of a Subclass 500 (Student) visa to give to the Minister evidence of financial capacity that satisfies the requirement specified in an instrument under subclause 500.313(4) of Schedule 2 to the Regulations.

This Instrument of Arrangement for the use of a Computer Program 2016/030, IMMI 16/030 commences immediately after the commencement of Schedule 4 of the *Migration Legislation Amendment (2016 Measures No.1) Regulation 2016*.

Dated: 27.4.2016 2016

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Delegate of Minister for Immigration and Border Protection

Attachment

Use of the eLodgment PLUS programme to request evidence under 500.213(1) and 500.214(3).

Description of relevant computer programmes

eLodgment PLUS is the Department's online lodgement service that allows visa applications to be prepared and lodged online into the Department's visa processing systems.

Through the eLodgment PLUS programme, applicants for a Subclass 500 (Student) visa complete an online application form, including details of the applicant's education provider and passport country.

The eLodgment PLUS programme sends details of the applicant's education provider and passport country to the CVOR system. The CVOR system determines whether an applicant needs to provide 'streamlined' or 'regular' evidence of financial capacity or English proficiency based on the combined country and provider risk associated with the applicant.

CVOR then returns to the eLodgment PLUS programme a list of evidentiary requirements that need to be included in the application, including evidence of English proficiency and financial capacity, which are displayed to the applicant.

CVOR is a risk system that determines whether a student visa applicant must provide documentary evidence of English proficiency and/or financial capacity according to the rules set out below.

Determining whether an applicant must provide documentary evidence of English proficiency or financial capacity

Under the simplified student visa framework (SSVF) each country and each Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered education provider is allocated an immigration risk rating of one, two or three based on a statistical analysis of student visa refusal, cancellation and non-compliance rates (including protection visa applications) associated with applicants from particular education providers and countries. Provider and country immigration risk ratings are then combined to guide financial and English evidentiary requirements for student visa applicants.

Table 1, below, identifies whether a student holding a passport from a particular country intending to study at a particular education provider will generally need to provide streamlined or regular evidence of their financial and English proficiency.

		Country Immigration Risk Rating		
		One	Two	Three
Education Provider Immigration Risk Rating	One	Streamlined	Streamlined	Streamlined
	Two	Streamlined	Streamlined	Regular
	Three	Streamlined	Regular	Regular

Table 1: Country and provider risk ratings

The following categories of student visa applicants will get a default risk rating as they are not required to be associated with CRICOS registered education providers.

Category of student visa applicant	Default risk rating
Foreign Affairs students	Regular
Defence students	Regular
Secondary exchange students	Streamlined
Students required to remain in Australia for thesis marking	Streamlined

Table 2: Default risk ratings for certain categories of student visa applicants

Where regular evidentiary requirements apply, the applicant will be instructed to provide documentary evidence of their financial and English language capacity with their visa application, as specified in a legislative instrument under 500.213(1) and 500.214(3).

Where streamlined evidentiary requirements apply, the applicant will not be instructed to provide documentary evidence of their English proficiency or financial capacity by the eLodgement PLUS programme. If documentary evidence of English proficiency and/or financial capacity is required by a delegate of the Minister after the applicant has submitted the application through the eLodgement PLUS programme, the applicant will be requested to provide evidence in writing, in accordance with 500.213(1) and 500.214(3).



Migration (IMMI 18/042: Designated Migration Law - Subdivision B of Division 3A of Part 2) Instrument 2018

I, Alan Tudge, Minister for Citizenship and Multicultural Affairs, make the following instrument.

Dated

15-3-18

s. 22(1)(a)(ii)

The Hon Alan Tudge MP
Minister for Citizenship and Multicultural Affairs

s. 22(1)(a)(ii)

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

Contents

Part 1- Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
Part 2 - Designated migration law	2
5 Designated migration law	2

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

Part 1 – Preliminary

1 Name

- (1) This instrument is the *Migration (IMMI 18/042: Designated Migration Law, Subdivision B of Division 3A of Part 2) Instrument 2018*.
- (2) This instrument may be cited as IMMI 18/042.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	18 March 2018	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under paragraph 495A(3)(b) of the Act.

4 Definitions

In this instrument:

Act means the *Migration Act 1958*.

Part 2 –Designated migration law

5 Designated migration law

For the purposes of paragraph 495A(3)(b) of the Act, Subdivision B of Division 3A of Part 2 of the Act is determined to be part of the designated migration law.



Migration (IMMI 18/046: Determination of Designated Migration Law) Instrument 2018

I, Alan Tudge, Minister for Citizenship and Multicultural Affairs, make the following instrument.

Dated 28-3-18

s. 22(1)(a)(ii)

The Alan Tudge MP

Minister for Citizenship and Multicultural Affairs

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Definitions.....	1
5	This is a section.....	1

Schedule 1—Repeals

		2
	<i>IMMI 07/091 - Designated Migration Law (F2007L04440)</i>	2

Part 1 - Preliminary

1 Name

- (1) This instrument is the *Migration (IMMI 18/046: Determination of Designated Migration Law) Instrument 2018*.
- (2) This instrument may also be cited as IMMI 18/046.

2 Commencement

This instrument commences the day after it is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under paragraph 495A(3)(b) to the Act. .

4 Definitions.

In this instrument:

Act means the *Migration Act 1958*

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 2 – Determination of Designated Migration Law

6 Determination of Designated Migration Law

- (1) For the purposes of subsection 495A(3), Subdivision AF of Division 3 of Part 2 of the Act is part of the designated migration law as defined in subsection 495A(1) of the Act.

Schedule 1—Repeals

IMMI 07/091 - Designated Migration Law (F2007L04440)

1 The whole of the instrument

Repeal the instrument

EXPLANATORY STATEMENT*Migration Act 1958***MIGRATION (IMMI 18/046: DETERMINATION OF DESIGNATED MIGRATION
LAW) INSTRUMENT 2018***(Paragraph 495A(3)(b))*

1. Instrument IMMI 18/046 is made under paragraph 495A(3)(b) of the *Migration Act 1958* (the Act).
2. The instrument revokes *IMMI 07/091 – Designated Migration Law* (F2007L04440) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, which states where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
3. Section 495A of the Act provides, that the Minister may arrange for the use, under the Minister's control, of computer programs for any purpose for which the Minister may, or must, under the designated migration law make a decision; or exercise any power, or comply with any obligation; or do anything else related to making a decision, exercising a power, or complying with an obligation. This instrument operates for the Minister to determine that a provision of the Act, Subdivision AF of Division 3 of Part 2, to be part of the designated migration law.
4. The instrument being revoked *IMMI 07/091 – Designated Migration Law* (F2007L04440), was due to sunset on the 1 April 2018. The purpose of the Instrument is to ensure that Subdivision AF of Division 3 of Part 2 of the Act remains part of the designated migration law by revoking IMMI 17/091 and replacing it with IMMI 18/046.
5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary. This instrument is of a minor or machinery nature as the instrument does not alter existing arrangements of the previous instrument.

6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 23523).
7. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the Instrument which is made under Part 9 of the Act is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
8. The Instrument commences on the day after it is registered on the Federal Register of Legislation.

s. 22(1)(a)(ii)

Released by Department of Home Affairs
under the Freedom of Information Act 1982



ARRANGEMENT FOR THE USE OF A COMPUTER PROGRAM (IMMI 18/060)

I, **s. 22(1)(a)(ii)** Deputy Secretary, Senior Executive Service, Band 3 of the Visa & Citizenship Services Group in the Department of Home Affairs, acting under section 495A of the *Migration Act* (the Act) as the Minister's delegate, arrange for the use of computer programs, as detailed in the Attachment to this instrument, for making decisions to approve:

- under subsection 140E(1) of the Act, an application for renewal of sponsorship made by Australian businesses who are standard business sponsors; and
- under subsection 140GB(2) of the Act, a nomination of an overseas worker.

This Instrument of Arrangement for the use of a Computer Program, IMMI 18/060, commences immediately after the commencement of the *Migration (IMMI 18/042: Designated Migration Law - Subdivision B of Division 3A of Part 2) Instrument 2018*.

Dated *16 March 2018*

s. 22(1)(a)(ii)



Deputy Secretary, Visa & Citizenship Services Group and delegate for the Minister of Home Affairs

ATTACHMENT

Arrangement under section 495A of the *Migration Act 1958* for the use of computer programs to make decisions to approve sponsorship and nomination applications

Overview

The purpose of the instrument and these arrangements is to allow automated approval of certain applications for approval as a standard business sponsor and nomination applications.

Coverage of Arrangement

Section 495A of the *Migration Act 1958* (the Act) provides that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law

- make a decision; or
- exercise any power, or comply with any obligation; or
- do anything else related to making a decision, exercising a power, or complying with an obligation.

The Minister is taken to have:

- made a decision; or
- exercised a power, or complied with an obligation; or
- done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation;

that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under section 495A.

Legislative Instrument IMMI 18/042 determines that Subdivision B of Division 3A of Part 2 of the Act is part of the designated migration law.

Subdivision B of Division 3A of Part 2 and relates to the approval of sponsors and nominations. This subdivision contains a number of sections that operate together for a nomination or sponsorship decision to be made. To ensure the approval of certain applications is automated, Subdivision B of Division 3A of Part 2 has been determined, by IMMI 18/042, to be part of the designated Migration Law.

This Arrangement is for the use of computer programs for making decisions to approve:

- under subsection 140E(1) of the Act, an application for renewal of sponsorship made by Australian businesses who are standard business sponsors; and
- under subsection 140GB(2) of the Act, a nomination of an overseas worker.

It is intended that computer programs covered by this Arrangement would make decisions on applications where:

- in relation to an application for sponsorship, the application is lodged by an Australian business who is an existing sponsor; and
- in relation to nomination applications, the application is lodged by an applicant who has been given Accredited Status by the Department of Home Affairs.

Such applications will only be approved by the computer programs where the applicant does not engage any defined risk profiles.

The Arrangement does not authorise the use of computer programs to make decisions to refuse an application for sponsorship under subsection 140E(1) of the Act or a nomination under subsection 140GB(2) of the Act.

Accredited Status

The sponsor accreditation scheme is available to certain standard business sponsors in the Subclass 457 (Temporary Work (Skilled)) visa and Subclass 482 (Temporary Skill Shortage) visa(TSS) programs.

This scheme recognises that certain Australian public or private businesses or government agencies should be able to access streamlined processing arrangements, including where they have a history of:

- good dealings with the Department of Home Affairs; and
- compliance with relevant laws; and
- lodging decision-ready applications.

Description of Relevant Computer Programs

The Department of Home Affairs provides Internet-based services to clients, which enables them to lodge sponsorship and nomination applications related to Subclass 482 (Temporary Skill Shortage) visas online via the Department's website (*ImmiAccount*). Some of these online applications can be automatically processed and approved by the operation of computer programs, without direct human intervention. This process is referred to as 'auto-approval'.

The Department of Home Affairs' computer programs:

- support online lodgement of applications by providing a database with application processing and decision-recording functions; and
- include programs that can evaluate approval criteria for the applications described above, and automatically approve these applications where the relevant criteria are met.

The assessment criteria which the Department of Home Affairs' computer programs consider in reaching the point of auto-approval vary, depending on criteria contained in the *Migration Regulations 1994*.

The assessment criteria considered by these programs may also vary depending on certain matters approved by the Minister, relating to occupation and salary level, which are used to determine which applications are eligible for auto-approval. These matters are outlined in the relevant sponsorship and nomination Procedural Instructions and may be updated from time to time to enable the Department to remain responsive to changes in risk in the TSS program. In addition, some nomination assessment criteria are subject to applicable international trade obligations that may also change.

To ensure that auto-approval computer programs remain consistent with such changes, the rules that govern whether a sponsorship or nomination application is eligible for auto-approval on the basis of these characteristics are contained in the Department's 'safeguards' program, which can be updated without aligning with a full systems change release.

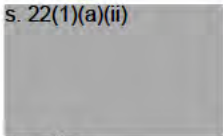


Migration (IMMI 18/101: Use of Computer Programs for section 495A of the *Migration Act 1958*) Arrangement 2018

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

Dated 14th June 2018

s. 22(1)(a)(ii)



Michael Pezzullo
Secretary of the Department of Home Affairs

Contents

Part 1 – Preliminary	1
1 Name	1
2 Commencement	1
3 Authority	1
4 Definitions	1
5 Schedules	2
Part 2 – Arrangement for use of computer programs	3
6 Arrangement for use of computer programs under section 495A of the Act	3
Schedule 1 – Arrivals SmartGate series one - Arrangement	4
1 Background	4
2 Overview	4
3 Description of relevant computer programs	4
4 Purposes for which programs may be used	5
5 Control of relevant computer programs	6
Schedule 2 – Arrivals SmartGate series two - Arrangement	7
1 Background	7
2 Overview	7
3 Description of relevant computer programs	7
4 Purposes for which programs may be used	8
5 Control of relevant computer programs	9
Schedule 3 – Repeals	10
<i>Arrangement for Use of Computer Programs for Designated Migration Law Purposes (IMMI 07/018)</i>	<i>10</i>
<i>Arrangement for Use of Computer Programs for Designated Migration Law Purposes (IMMI 11/076)</i>	<i>10</i>
<i>Arrangement for Use of Computer Programs for Designated Migration Law Purposes (IMMI 13/104)</i>	<i>10</i>

Part 1 – Preliminary

1 Name

- (1) This instrument is the *Migration (IMMI 18/101: Use of Computer Programs for section 495A of the Migration Act 1958) Arrangement 2018*.
- (2) This instrument may be cited as IMMI 18/101.

2 Commencement

This instrument commences on the day after signature.

3 Authority

This instrument is made under section 495A of the Act.

4 Definitions

Note: Subsection 495A(3) of the Act sets out which provisions are the designated migration law for the purposes of section 495A.

In this instrument:

Act means the *Migration Act 1958*.

Arrivals SmartGate series one means the first SmartGate system implemented for arrivals in some Australian international airports, which has a two-step process, comprising of both a kiosk and an arrivals gate.

Note: Arrivals SmartGate series one was previously known as 'SmartGate Automated Border Processing (ABP) Inwards'.

Arrivals SmartGate series two means the SmartGate system implemented on or after 1 January 2018 for arrivals in some Australian international airports, which has a one step process, consisting only of an arrivals gate, and can operate in contact and contactless mode.

e-Passport means a passport that:

- (a) contains a microchip, embedded within the passport, that contains:
 - (i) the same personal information that is on the photo page of the passport; and
 - (ii) a digitised photograph; and
- (b) has an international e-Passport symbol on the front cover.

international traveller means a person who has arrived in Australia on an international flight or voyage, whether as a passenger on, or crew member of, an aircraft or vessel.

SmartGate system means an automated system, referred to as a “SmartGate”, used for the checking and clearance of passengers and crew, and other matters relating to passengers and crew, at some Australian international airports.

Regulations means the *Migration Regulations 1994*.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 2 – Arrangement for use of computer programs

6 Arrangement for use of computer programs under section 495A of the Act

- (1) Under section 495A of the Act, this instrument arranges for the use, under the Minister's control, of the following computer programs, for the purposes of the Minister making a decision, exercising a power, complying with an obligation, or doing anything else related to making a decision, exercising a power or complying with an obligation under the designated migration law:
 - (a) Arrivals SmartGate series one;
 - (b) Arrivals SmartGate series two.
- (2) The arrangements for the computer programs specified in subsection (1) are provided for in the following Schedules:
 - (a) Arrivals SmartGate series one – Schedule 1;
 - (b) Arrivals SmartGate series two – Schedule 2.

Schedule 1 – Arrivals SmartGate series one - Arrangement

1 Background

- (1) Section 495A of the Act provides that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law:
 - (a) make a decision; or
 - (b) exercise any power, or comply with any obligation; or
 - (c) do anything else related to making a decision, exercising a power, or complying with an obligation.
- (2) The Minister is taken to have:
 - (a) made a decision; or
 - (b) exercised a power, or complied with an obligation; or
 - (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation;that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under section 495A.

2 Overview

- (1) SmartGates are a voluntary alternative to manual processing at the border whereby the holders of eligible 'e-Passports' arriving in Australia (including Australian citizens and certain non-citizens) can have their identity, and in the case of non-citizens, their visa, verified (or visa granted in the case of New Zealand citizens) by a computer program without the need for a clearance officer to be present during the process.
- (2) To be eligible to use a SmartGate, international travellers must hold a passport that:
 - (a) is an e-Passport; and
 - (b) the Minister or the Secretary has determined to be an eligible passport in a legislative instrument made under section 175A of the Act.

3 Description of relevant computer programs

- (1) Arrivals SmartGate series one will immigration clear international travellers where their data matches in all relevant databases, s. 47E(d) [redacted] and there are no issues with any of the following variables:
 - (a) visa conditions requiring manual verification;
 - (b) visa types requiring manual verification to substantiate status of the international traveller;
 - (c) endorsees on passports;
 - (d) height of the international traveller;
 - (e) age of the international traveller;

(f) declaration of adverse character or health concerns.

- (2) Advance Passenger Processing (APP) provides the Department of Home Affairs with information on all international travellers travelling to Australia. This information is collected through the APP system when an international traveller checks in to their flight, and transmitted through this system to Australia for use by border agencies prior to arrival of the aircraft. The data transmitted to Australia is crosschecked against Australia's border clearance databases: s. 47E(1) Passenger Arrivals (PACE) and Travel and Immigration Processing System (TRIPS).
- (3) TRIPS is an integrated computer system the Department of Home Affairs uses to record visas held, Australian and New Zealand passport details, s. 47E(d) and travel undertaken by non-citizens. TRIPS creates expected movement records (EMR) for international travellers arriving in Australia and stores information of international travellers alerting officers as appropriate. TRIPS also informs Arrivals SmartGate series one whether a New Zealand citizen is granted a Special Category Visa or is to be sent to a clearance officer for further processing.
- (4) s. 47E(d)
- (5) At the border, Arrivals SmartGate series one processes live international traveller data into PACE. EMRs are passed to PACE to match with the passport data from the international traveller's e-Passport and Arrivals SmartGate series one also s. 47E(d) PACE then informs Arrivals SmartGate series one to either allow the international traveller to be immigration cleared or be sent to a clearance officer for further processing.

4 Purposes for which programs may be used

- (1) This instrument arranges for the use of the computer program, Arrivals SmartGate series one for the purpose of:
- (a) taking a live image of the international traveller and comparing this with a stored image or captured image from the international traveller's passport to verify the identity of the international traveller;
 - (b) facilitating immigration and Customs checks, including checking alert lists, before permitting a person to enter Australia;
 - (c) collecting information via the Arrivals SmartGate series one kiosk, which is required to be provided for the purposes of immigration clearance, including information related to health and character checking; and
 - (d) making a decision whether to grant, through the automated process, a subclass 444 (Special Category) visa.

-
- (2) In relation to granting a Special Category visa, Arrivals SmartGate series one enables New Zealand citizens who hold an e-Passport to apply for a Special Category Visa at the gate, and be granted a Special Category Visa by TRIPS without the need for a clearance officer to be present.
 - (3) It is intended that computer programs covered by this instrument of arrangement will only grant visas where the criteria for visa grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria.
 - (4) This instrument of arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa or refuse immigration clearance.

5 Control of relevant computer programs

- (1) As the Minister's delegate under section 495A of the Act, the Secretary has control over the relevant computer programs and, in doing so, control changes to those programs. This includes changes that may or may not require changes to this instrument of arrangement.
- (2) Computer programs require levels of change, including flexibility and speed of change such that no single delegate can physically endorse every change ahead of their occurrence. For this reason, tiers of administration exist, which enable creation of and changes to detailed design specification, the testing and the monitoring of systems and their performance. In order to ensure that the use of the computer programs for the matters set out above systems changes impacting on such programs in any significant way must be approved by the Secretary, in accordance with the Department of Home Affairs Systems Governance Arrangements.

Schedule 2 – Arrivals SmartGate series two - Arrangement

1 Background

- (1) Section 495A of the *Migration Act 1958* (the Act) provides that the Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated Migration Law:
- (a) make a decision; or
 - (b) exercise any power, or comply with any obligation; or
 - (c) do anything else related to making a decision, exercising a power, or complying with an obligation.
- (2) The Minister is taken to have:
- (a) made a decision; or
 - (b) exercised a power, or complied with an obligation; or
 - (c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation;
- that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under section 495A.

2 Overview

- (1) SmartGates are a voluntary alternative to manual processing at the border whereby the holders of eligible 'e-Passports' arriving in Australia (including Australian citizens and certain non-citizens) can have their identity, and in the case of non-citizens, their visa, verified (or visa granted in the case of New Zealander citizens) by a computer program without the need for a clearance officer to be present during the process.
- (2) To be eligible to use a SmartGate, international travellers must hold a passport that:
- (a) is an e-Passport; and
 - (b) the Minister or the Secretary has determined to be an eligible passport in a legislative instrument made under section 175A of the Act.

3 Description of relevant computer programs

- (1) Arrivals SmartGate series two will immigration clear international traveller where their data matches in all relevant databases, there are no alerts against their name and there are no issues with any of the following variables:
- (a) visa conditions requiring manual verification;
 - (b) visa types requiring manual verification to substantiate status of the traveller;
 - (c) endorsees on passports;
 - (d) height of the international traveller;

-
- (e) age of the international traveller; and
 - (f) declaration of adverse character or health concerns.
- (2) Advance Passenger Processing (APP) provides the Department of Home Affairs with information on all international traveller travelling to Australia. This information is collected through the APP system when an international traveller checks in to their flight, and transmitted through this system to Australia for use by border agencies prior to arrival of the aircraft. The data transmitted to Australia is crosschecked against Australia's border clearance databases: s. [REDACTED] Passenger Arrivals (is Clearance and Evaluation (PACE) and Travel and Immigration Processing System (TRIPS).
- (3) TRIPS is an integrated computer system the Department of Home Affairs uses to record visas held, Australian and New Zealand passport details, alert lists (MAL, and local alerts) and travel undertaken by non-citizens. TRIPS creates expected movement records (EMR) for international travellers arriving in Australia and stores information of international travellers alerting officers as appropriate. TRIPS also informs Arrivals SmartGate series two whether a New Zealand citizen is granted a Special Category Visa or is to be sent to a clearance officer for further processing.
- (4) s. 47E(d) [REDACTED]
- (5) At the border, Arrivals SmartGate series two process live international travellers data into PACE. EMRs are passed to PACE to match with the passport data from the international traveller's e-Passport and Arrivals SmartGate series two also s. 47E(d) [REDACTED] PACE then informs Arrivals SmartGate series two to either allow the international travellers to be immigration cleared or be sent to a clearance officer for further processing.

4 Purposes for which programs may be used

- (1) This instrument arranges for the use of the computer program, Arrivals SmartGate series two, for the purpose of:
- (a) taking a live image of the international traveller and compare this with a stored image or captured image from the international traveller's passport to verify the identity of the international traveller;
 - (b) facilitating immigration and Customs checks, including checking alert lists, before permitting a person to enter Australia;
 - (c) collecting information, which is required to be provided for the purposes of immigration clearance, including information related to health and character checking; and
 - (d) making a decision whether to grant, through the automated process, a subclass 444 (Special Category) visa.

-
- (2) In relation to granting a Special Category visa, Arrivals SmartGate series two enables New Zealand citizens who hold an e-Passport to apply for a Special Category Visa at the gate, and be granted the Special Category Visa by TRIPS without the need for a clearance officer to be present.
 - (3) It is intended that computer programs covered by this instrument of arrangement will only grant visas where the criteria for visa grant are straightforward and objective in that they do not require assessment of subjective or discretionary criteria.
 - (4) This instrument of arrangement does not authorise the use of computer programs to make decisions to refuse to grant a visa or refuse immigration clearance.

5 Control of relevant computer programs

- (1) As the Minister's delegate under section 495A of the Act, the Secretary has control over the relevant computer programs and, in doing so, control changes to those programs. This includes changes that may or may not require changes to this instrument of arrangement.
- (2) Computer programs require levels of change, including flexibility and speed of change such that no single delegate can physically endorse every change ahead of their occurrence. For this reason, tiers of administration exist, which enable creation of and changes to detailed design specification, the testing and the monitoring of systems and their performance. In order to ensure that the use of the computer programs for the matters set out above remains under the Minister's control, systems changes impacting on such programs in any significant way must be approved by the Secretary, in accordance with the Department of Home Affairs Systems Governance Arrangements.

Schedule 3 – Repeals

Arrangement for Use of Computer Programs for Designated Migration Law Purposes (IMMI 07/018)

1 The whole of the instrument

Repeal the instrument.

Arrangement for Use of Computer Programs for Designated Migration Law Purposes (IMMI 11/076)

2 The whole of the instrument

Repeal the instrument.

Arrangement for Use of Computer Programs for Designated Migration Law Purposes (IMMI 13/104)

3 The whole of the instrument

Repeal the instrument.