



Australian Government

**Department of Immigration
and Border Protection**

Inquiry into the Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015

Legal and Constitutional Affairs Legislation Committee

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Introduction

The Department of Immigration and Border Protection (the Department) welcomes the opportunity to provide a submission to the Senate Legal and Constitutional Affairs Legislation Committee for Inquiry into the *Migration Legislation Amendment (Visa Labels Cessation) Bill 2015*, following the introduction of the Bill in the House of Representatives on 11 November 2015.

This submission provides a response to the statement of reasons for referral raised by the Selection of Bills Committee and briefly explains the measures included in the other Schedules to the Bill.

Measures in the Bill

The Bill repeals the *Migration (Visa Evidence) Charge Act 2012* (the Charge Act), and amends the *Migration Act 1958* (the Act) to:

- repeal provisions relating to the visa evidence charge and visa labels which no longer have any practical effect as a consequence of amendments to the *Migration Regulations 1994* (the Migration Regulations) by the *Migration Amendment (Visa Labels) Regulation 2015* on 1 September 2015. Those amendments removed the ability of visa holders to request and pay the visa evidence charge for a visa label as evidence of a visa.
- complete the graduated implementation over several years of the government's policy of label-free visas.

Reasons for Referral

The Bill was referred to the Legal and Constitutional Affairs Legislation Committee by the Selection of Bills Committee. The reasons for the referral of the Bill were identified in the Selection of Bills Committee Report No. 14 for 2015 as to:

- further investigate potential impacts and unintended consequences of the Bill.

Other Measures in the Bill

Background

While every non-Australian citizen intending to travel to and/or remain in Australia is required to have a valid visa, the Australian Government does not require a person holding a valid visa to have a label affixed to their passport or travel document. This 'label-free' arrangement commenced when the label-free Electronic Travel Authority was introduced in 1996 to passport holders from certain countries.

Australian visas are stored electronically and linked to a passport or travel document, enabling visa holders, registered Australian organisations and airlines staff to check visa details online. The Department's systems, including the Visa Entitlement Verification Online, the myVEVO mobile app and the Advance Passenger Processing system, are now used to access visa status and conditions by visa holders and third party stakeholders.

On 24 November 2012, amendments were made to the Act, removing Australia's legal obligation to evidence most visas by way of a visa label. At the same time, the visa evidence charge (VEC) was introduced under the Charge Act, imposing a VEC when a client requested a visa label. The

VEC reforms further promoted behavioural change and encouraged clients to utilise the Department's secure and real-time digital systems.

Consultation with stakeholders has been ongoing for the last three years about the Department's intention to cease providing visa labels in 2015. Consultations were conducted with airlines, Migration Agent peak bodies, State and Territory government agencies and relevant Commonwealth agencies including the Department of Foreign Affairs and Trade (DFAT), the Attorney-General's Department, the Department of Social Services, and the Department of Human Services. Further engagement with foreign governments has been ongoing through DFAT. The cessation of visa labels has been generally well understood and accepted by stakeholders, including foreign governments.

On 1 September 2015, amendments were made to the Migration Regulations, removing the Department's obligation to provide a visa label at the request of a client.

The changes to the Migration Regulations, along with the measures in this Bill, are in accordance with the government's regulatory reform agenda, reducing unnecessary expense, delays and inconvenience for clients and third party stakeholders. It is estimated that the total regulatory saving per year following the cessation of visa labels is at \$2.89 million. The use of digital services is more sustainable into the future with the increasing demand for immigration services.

Ceasing provision of visa labels for the remaining small number of visa holders who would have continued to request one and pay the VEC affects only a very small cohort. The Department has been providing training and support to clients for the past three years to transition to online services. A small number of countries require a visa label for travel. Although the Department does not have any obligation to continue issuing labels for this small number of countries, alternative arrangements are available where required, including the use of the Department's Border Operations Centre clearance process available 24 hours a day which has already been in place for quite some time.

Measures in Schedule 1 to the Bill

Schedule 1 to the Bill repeals the Charge Act which became redundant and has had no practical effect as a result of amendments to the Migration Regulations on 1 September 2015. The Charge Act was enacted to enable the government to impose a charge for the production of a visa label as evidence of the grant of a visa and was intended to significantly decrease demand for visa labels and encourage digital visa verification.

Measures in Schedule 2 to the Bill

Schedule 2 to the Bill amends the Act to omit references to the VEC and any redundant references to visa labels. The repeal of Division 2.4 of Part 2 of the Migration Regulations on 1 September 2015 removed the remaining requirement for the Department to provide visa labels, as there is no longer any prescribed form of evidence, visa evidence charge payable or other requirements under the provisions specified in s70(1), s70(2) and s71B(1) of the Act.