



EXECUTIVE MINUTE

on
JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT
REPORT 417

Review of Auditor-General's Reports tabled between February 2009 and
September 2009

General comments

The Central Movement Alert List now includes a single point of data entry and is also able to report on instances where a CMAL record is applicable to a decision on visa or citizenship processing.

Response to the recommendation(s)

Recommendation No. 10 paragraphs5.24, 5.31

Effectiveness of the Movement Alert List: DIAC to identify instances where MAL has alerted its decision makers to information that has been the reason, or part of the reason, for decisions on visa and citizenship applications.

The key component of Recommendation 3 from the Australian Audit report No.35 2008-09 was to identify instances where the Movement Alert List (MAL) has alerted its decision-makers to information that has been the reason, or part of the reason, for decision on visa and citizenship applications. The Central MAL System (CMAL) now has the capability to report on this issue, providing information on client cases determined to be true matches and the reasons why the CMAL status was overridden by a DIAC decision-maker.

The biographic details of all visa applicants are assessed at least once against the CMAL. In many cases these details are assessed multiple times. This occurs when biographic details change during the client's travel to Australia, or new CMAL alerts are initiated or existing alerts updated after an application process has commenced. On each occasion, this triggers a reassessment in CMAL to resolve potential matches between the client and identities in the CMAL. Each one-to-one match between a client and an alert record is referred to as a Match Identifier (MID). One match case, the complete set of possible matches for a client against CMAL, can have multiple MID combinations against one or more identities in the Person Alert List (PAL) component of the CMAL.

Since the commencement of CMAL in November 2008, 201,532 individual MIDs have been true matched receiving a "Red" CMAL status. In each of these cases, the decision-maker has been advised by CMAL that the identity has been matched against an alert on the CMAL and the reason and details for the alert.

In 156,520 instances the delegate has not sought to override the “Red” CMAL status, which is a necessary administrative requirement for decision makers to proceed to a visa or citizenship outcome. An “override” is a system mechanism by which the decision-maker receives a “key” to proceed to further processing of the application, which may include grant of the visa or citizenship application, and recording the reason why a delegate chooses to override the “Red” CMAL status (true match). For 78% of cases where a MID matched a CMAL alert, the delegate directly considered the advice provided, choosing not to seek an override, declining the visa or citizenship outcome.

In 45,012 cases the delegate did override the “Red” CMAL status, recording in CMAL the override reason code for their decision. This means that for 22% of cases where a MID matched a CMAL alert, the delegate again directly considered the advice provided. However they choose to seek an override key. The reasons recorded for overriding the “Red” CMAL status reflect the circumstances of the individual cases being assessed by the delegate including the nature and content of the alert. For example, if the alert was in relation to a previously detected health issue, the override decision recorded would relate to the override code listing “M3 - Health issue addressed”.

Where a decision-maker does not override a client CMAL status then, based on the administrative processes implemented in DIAC's processing systems, it can be definitively stated that a visa or citizenship outcome was not achieved by the applicant, the system effectively ‘locks out’ the possibility of this occurring. However, the opposite cannot be stated for those cases where the delegate chose to override the advice provided by the CMAL alert. In these cases, a visa and citizenship decision may or may not have been achieved. Other information or factors can be relevant to the decision, and may be the grounds on which the application is decided. What can be stated is that the decision-maker actively considered the information as they chose to override the alert for a specified and recorded reason.

The Joint Committee of Public Accounts and Audit (JCPAA) concluded that a lack of performance data made it difficult to assess the effectiveness of CMAL and its contribution to Australia’s national security and border protection strategy. It remains difficult to directly assess the total deterrent effect of CMAL, given this may involve individuals who are deterred from making an application in the first instance because of fear of detection. In being able to keep track of all true matches against CMAL, DIAC does count clients who are true matched in circumstances where they abandon their visa application without further contact with DIAC. This can occur where an electronic application is made, the client is matched and advised to contact a DIAC post, and chooses not to do so. While there can be other reasons for abandoning an application, the inclusion of these true matches in the total number counted by DIAC provides an insight into the deterrent effect of CMAL.

It is possible to provide the JCPAA with quantitative performance data to assist the committee’s understanding of the direct and measurable contribution CMAL is making to Australia’s national security and border protection strategy

For the 2009-10 programme year alone, across all Alert Reason Code (ARC) groups within the CMAL database, 95 million MID and PAL combinations were assessed in 3.5 million match cases by the specialist match case analysts of the Border Operations

Centre (BOC) within the Department of Immigration and Citizenship (DIAC). This resulted in 157 thousand true matched MID/PAL combinations.

Some 52% of the CMAL consists of PAL alerts in the National Security ARC 01. In the 2009-10 programme year, 65 million MID and PAL combinations were assessed against ARC 01 alerts resulting in over two thousand true match decisions. Since November 2008, identities matched against ARC 01 alerts have contributed to issuing 24 adverse security assessments.

Another high risk ARC group is 05 Serious Criminal. In the 2009-10 programme year, 2.97 million MID and PAL combinations were assessed against ARC 05 Serious Criminal alerts, resulting in over four thousand true match decisions. Since November 2008, 5,915 identities have been true matched against ARC 05 alerts. In all cases, the CMAL status alerted the visa and citizenship decision maker to details of the CMAL listing which was then taken into consideration by the decision maker. The decision maker chose to override the "Red" CMAL status for ARC 05 cases in only 8% of true match cases. The low override rate for ARC 05 true matches reflects the serious nature of the alert information which is brought to the attention of the decision-maker by CMAL.

CMAL's matching system operates on a system which scores the probability of matches on a scale out of 100. The 'display threshold' for human inspection is currently set, for high risk alert codes, at 85/100, a threshold established in 2006 after extensive testing and in agreement with ASIO. Analysis of the performance of the matching system has identified that over 99% of true matching decisions were achieved, with a match case score of 95 or above, indicating that the CMAL system is successfully bringing identities of concern to the attention of BOC match analysts and that the current threshold for high risk alerts is set at an appropriately conservative value.

Our reporting is at an early stage of development and we expect that the figures reported will be refined as we implement further quality measures in future. We are committed to developing a more detailed interpretation of the summary figures to fully evaluate the data. These conclusions are the preliminary analysis of our first report into client true match override figures.

The Department is continuing to invest in CMAL capability to improve both the effectiveness of the CMAL contribution to Australia's national security and border protection strategy as well as improving the operational efficiency of the BOC. CMAL performance reporting will continue to mature as DIAC's data warehouse reporting capability is further enhanced.

Report paragraph5.29

Privacy Impact Assessment: Update on the conduct of PIA and findings.

A Privacy Impact Assessment was commissioned with an independent consulting firm and commenced in February 2010. The final report was delivered in July.

The assessment of privacy risks to the CMAL did not indicate any major issues in relation to the eleven Information Privacy Principles (IPPs) contained in the *Privacy*

Act, 1988 and seven privacy elements in the Privacy Impact Assessment Guide produced by the Office of the Privacy Commissioner. Findings were identified in the areas of:

- Notification of collection of personal information stored in CMAL (IPPs 1 & 2); and
- Maintenance of personal information in CMAL and the accuracy of information (IPPs 7 & 8).

Consultation with the DIAC Privacy Officer and staff of the BOC indicated that the residual privacy risk facing the CMAL databases and supporting systems is low. The Department is considering the recommendations that were put forward in the report.

Report paragraph5.30, 5.32

Australians on MAL: revised policy and guidelines. Systematic control over data with regards to Australians on MAL.

DIAC notes the Committee's concerns over the recording of Australian identities on the CMAL. We would like to clarify that, in general terms, it is not the Australians themselves that are the target of concern, but identities which may have been falsely appropriated or associated with other travellers. The focus at the border on Australian citizens of concern is to clarify the identity of the traveller and their associated privileges. We have already tightened and put into operation new listing rules, and have incorporated them into our next release of CMAL procedures advice documentation, which will be released before the end of the 2010 calendar year.

As at 1 November 2010, CMAL contained 194 identities related to Australian citizens. All of these entries were loaded or remain on the CMAL, under the approved policy and procedures a summary of which is listed below.

Reasons for listing Australian citizens

Australian citizens can be listed on CMAL if they are suspected of committing, or have been convicted of committing, offences relating to organised immigration malpractice. Examples of these offences include acting as an escort or people smuggler, facilitating the provision of fraudulent travel documents or as a serial loser of Australian passports. Listing the identities of Australian citizens on CMAL is justified for the following reasons:

- to verify identity – where Australian identities and identity documents may be used to allow non-citizens to travel to Australia;
- to assess travelling companions – where Australian citizens may be involved in escorting or otherwise facilitating the travel to Australia of irregular arrivals;
- to advise visa decision makers of potentially prejudicial information – where Australian citizens may be involved in visa applications by non-citizens for non-genuine reasons eg sponsors.

Policy basis for Person Alert List (PAL)

Australian citizens can be listed on PAL where credible information exists to suggest that the citizen has an intention to commit or facilitate breaches of the Migration Act 1958:

This includes:

- immigration fraud;
- immigration malpractice;
- sponsoring a visa applicant under irregular circumstances;
- had their credentials lost or stolen and it is strongly suspected that their identity may be misused for gaining access to Australia; or
- presented a badly damaged document which is to be impounded on arrival under the Passport Act 2005.

Policy basis for Document Alert List (DAL)


Australian travel documents (including passport numbers) may only be listed on DAL if there is a view or a concern that a particular document may be used improperly.

Australian documents are listed on DAL where the client has:

- reported their passport lost in transit and Airline Liaison Officers wish to prevent opportunistic use pending the up-date being made to the Australian Passport database;
- been subject to an anti-fraud investigation; or
- where credible information exists suggesting that the document may be used to facilitate the irregular entry of a non-citizen to Australia.

Approval for creating Australian Citizen DAL records

Before a new DAL record is created for an Australian citizen, it must be approved by a DIAC First Assistant Secretary (FAS), in usual practice this is the First Assistant Secretary Refugee, Borders and Onshore Services, which position has operational responsibility for border services including CMAL.



Andrew Metcalfe
Secretary Department of Immigration and Citizenship