

## QUESTION TAKEN ON NOTICE

### ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(AE12/0235) Program 3.1: Border Management**

Senator Xenophon asked:

Is there a legal and or policy distinction between an international flight sector and a domestic flight sector? Are they mutually exclusive?

*Answer:*

In terms of the Immigration and Citizenship portfolio, the *Migration Act 1958* (the Act) provides that immigration clearance needs to be complied with at the port (including airport) in which the person entered Australia or if required or allowed by an officer, at an on port (Sections 166 and 167). An on port is a port in Australia to which the person will travel after entering Australia at another port.

The Act allows for arrangements where an airline may have arriving international passengers and crew clearing at the first arrival airport and then the flight continuing onto another international airport, where any remaining international passengers and crew are immigration cleared.

Domestically cleared passengers may also travel on the domestic leg of this international flight. Section 170 of the Act requires persons on an overseas vessel (aircraft or ship on an international voyage) travelling from one port to another port within Australia, to present 'prescribed evidence' of their identity and provide to a clearance officer any information required by the Act or Regulations. This allows DIAC and Customs and Border Protection to manage the immigration clearance process for these domestically cleared passengers passing through international terminals.

These immigration clearance arrangements are available to all airlines that are given permission to operate on routes within Australia which transport international passengers to more than one international airport in a single flight.

In terms of whether such a distinction is relevant for international airline crew members who work on domestic legs of international flights as holders of the airline crew special purpose visa, this is addressed in subsequent answers see AE12/0236, AE12/0237 and AE12/0238.

A separate issue is the economic regulation of these flights – for example which carriers may operate which international routes, and to whom they may sell tickets, specifically in terms of which airlines may be allowed to sell pure domestic tickets. These are questions for the Infrastructure and Transport portfolio.