

COVID-19: (AUSTRALIA) TRAVEL BANS AND OTHER MIGRATION FAQs

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**This information is accurate as of 4.00 pm Tuesday 24 March 2020 and is subject to change as this situation evolves.*

As of 9.00 pm on 20 March 2020, the Australian Government's travel ban came into force, preventing foreign nationals from entering Australia unless they are otherwise exempt. Below are responses to some frequently asked questions to help clients navigate this confusing time.

WHO IS EXEMPT FROM THIS TRAVEL BAN AND CAN STILL ENTER AUSTRALIA?

1. Australian citizens and permanent residents can still enter Australia without requiring any further permission from the Department of Home Affairs (the Department).
2. While direct family members (ie spouse, dependents and legal guardians) of Australian citizens and permanent residents can enter Australia, further actions are required before they can do so:
 - a. If they do not hold a visa they must apply for one and attach evidence of their relationship to an Australian citizen or permanent resident to their visa application.
 - b. If they already hold a valid visa to travel to Australia, they must fill in the COVID-19 enquiry form on the Department of Home Affairs' website and obtain approval from the Department before they can travel.
3. New Zealand citizens who are usually resident in Australia can also enter, but must show proof of residency (eg driver's license or other documents evidencing residency) upon entry.
4. Certain airline passengers transiting through an Australian airport to a prescribed country (excluding passengers who have been in China, Iran, South Korea or Italy in the last 14 days). ¹
5. People with compassionate and compelling circumstances to travel to Australia are required to submit a request through the COVID-19 enquiry form and have their request assessed on a case-by-case basis by the Commissioner of the Australian Border Force. They should not travel unless the Department of Home Affairs has approved their request. ²
6. All overseas arrivals are required to self-isolate for 14 days from the date of their arrival. Self-isolation guidelines can be found on the Department of Health's website here.

ARE VISA APPLICATIONS STILL BEING PROCESSED?

The Department has indicated that visa processing (for General Skilled Migration in particular) will continue within the restraints of the current situation.

HOW LONG WILL THIS TRAVEL BAN LAST?

There are currently no established timeframes for the travel ban. The Prime Minister has referenced a period of six months multiple times in his press releases when discussing an estimated timeframe for conditions to normalise. While the travel ban will be reviewed regularly, no confirmed time limit has been announced.

HOW WOULD THIS AFFECT TEMPORARY VISA HOLDERS IN AUSTRALIA?

Temporary visa holders already in Australia are still required to maintain their lawful status while in Australia. This means if a temporary visa holder's visa is about to expire they are still required to lodge a new visa application if they wish to remain in Australia. The Department is still processing these visa applications.

The Department has indicated their willingness to apply a certain level of flexibility to temporary visa holders who wish to remain in Australia lawfully. This includes potential flexibility around granting waivers to No Further Stay conditions and onshore Visitor visa applications.

Temporary visa holders who are concerned about their visa status should seek professional advice or contact the Department.

WHAT ARE THE DETAILS OF THE SPECIAL CONCESSIONS AFFORDED TO SUPERMARKETS AND THE AGED CARE SECTOR REGARDING WORKERS ON STUDENT VISAS?

Temporary concessions have been put in place to allow Student visa holders to work for more than 40 hours per fortnight in the supermarket and aged care sector. Important details of the concession are:

7. Only major supermarkets (including Woolworths and Coles) and approved providers of Commonwealth-funded aged care services are eligible for this concession. Other supermarkets and aged care providers can register with the Department if they believe the changes will assist them.
8. The aged care concession applies to both residential and home care.
9. Only existing Student visa holder employees are eligible for this concession. Student visa holders working in supermarkets must be working in their existing roles.
10. Employers are still required to abide by all relevant Australian workplace laws.

WHAT OTHER POLICIES ARE CURRENTLY UNDER CONSIDERATION TO EASE THE IMPACT OF COVID-19 ON TEMPORARY VISA HOLDERS AND BUSINESSES THAT EMPLOY THEM?

The Department is currently considering a number of additional measures, including:

11. Flexibility regarding arrangements for working holiday makers and agriculture sector seasonal workers to ensure security of food supply.

12. Potential adjustments to travel restrictions for established temporary visa holders (likely to be on a case-by-case basis).
13. Further expansion of the Student visa concessions to other sectors if and when required.

Businesses who may benefit from further policy decisions regarding temporary visa holders may consider speaking to their industry body to make representations to the Australian Government.

Footnotes:

¹A list of relevant countries can be found on the Department of Home Affairs's novel coronavirus alert page here.

²There are currently no definition on what constitutes 'compassionate and compelling' reasons for travel. However, it has been discussed on a policy level that certain flexibility be afforded to people in critical occupations working in essential services, infrastructures (e.g. healthcare workers and oil and gas rig changeover crews) or are otherwise critical in the COVID-19 response. Humanitarian/compassionate reasons will also be considered.

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