

PROCESSING OF YOUR APPLICATION AT THE DEPARTMENT OF HOME AFFAIRS (DHA)

WHAT YOU NEED TO KNOW!

What has dramatically changed in processing your *application* at the DHA?

It is vital for applicants to understand **How the DHA Processes Your Applications.**

1. RISK PROFILING

Your applications lodged with the DHA are automatically assessed:

- using risk profiling and artificial intelligence determinants
- determining the level of risk and scrutiny to be applied and processing timelines

Your applications assessed as high risk are subject to:

- significantly higher levels of scrutiny
- substantially longer processing timelines.

How your Application is Risk Profiled (see below)

2. MALADMINISTRATION

There is increasing maladministration and processing errors by the DHA arising from:

- cutbacks in resources at the DHA
- attrition of senior management and experienced decisionmakers
- efficiency dividends demanded of DHA staff

The peak industry body for Migration Professionals in Australia, the Migration Institute of Australia (MIA), has expressed its grave concern about the “large number of decisions involving maladministration, lack of procedural fairness and jurisdictional error” at the DHA.

3. PRIVATISATION OF DHA PROCESSING

The MIA is alarmed about the “privatisation of the visa application system” by the DHA with:

- the DHA contracting to Datacom for the immigration call centre work
- privatisation of a range of visa assessment processing and client service work.

Visa application services have been privatised in the UK to *Sitel* for some time and the DHA is replicating this privatisation of visa assessment in Australia.

See the following for:

- maladministration, inefficiencies, loss of over 50% of senior management and inadequate record keeping by the DHA.

<https://www.strategicmigration.com.au/system/files/case-docs/client/4/Border%20Force%20merger%20fails%20to%20bring%20savings%20and%20beset%20by%20problems%20-%20C2%20report%20-%20Australia%20news%20-%20The%20Guardian%2020180607.pdf>

- the adverse effects of privatisation on government:

<https://www.strategicmigration.com.au/system/files/case-docs/client/4/Privatisation%20by%20stealth%20-%20The%20Saturday%20Paper%2020180602.pdf>

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HOW YOUR APPLICATION IS RISK PROFILED

The following DHA Risk Profile Determinants detail how **your** application is subject to:

- significantly higher risk and assessment scrutiny
- lengthy and lengthening processing timelines
- grounds for refusal

STANDARD BUSINESS SPONSORSHIP / EMPLOYER NOMINATION APPLICATIONS
<p>1) Industry of Concern</p> <p>Certain industries deemed by the DHA to be high risk as a result of prevalent document fraud, underpayment of employees, employee abuse and where franchising is common etc.</p>
<p>2) Employee Ratio Test</p> <p>Businesses relying heavily on foreign employees e.g. Working Holiday Visa holders, Student Visa holders are heavily scrutinised, may have unannounced site visits by the DHA during processing to ensure compliance with Standard Business Sponsorship Obligations.</p>
<p>3) Data Matching</p> <p>The DHA data matches with other government bodies e.g. the Australian Taxation Office (ATO) to ensure compliance with financial obligations e.g. salary and wages, superannuation guarantee contributions (SGC), Pay-As-You-Go (PAYG) payments etc.</p>
<p>4) Compliance Issues</p> <p>If the business has current or previous compliance issues e.g. sanctions and / or penalties, breaches / failure to comply with Standard Business Sponsorship Obligations etc.</p>
<p>5) Adverse information</p> <p>Adverse information received by the DHA about the business, directors, employees, shareholders, senior management, associated entities, etc. related to the business.</p>
<p>6) Businesses with few (Australian) employees</p> <p>Financial viability of businesses & start-up businesses is heavily scrutinised and high risk.</p>
<p>7) Franchised businesses</p> <p>The franchise business model is heavily scrutinised and high risk.</p>

POSITION NOMINATION / EMPLOYER NOMINATION APPLICATIONS
<p>1) Occupation of Concern</p> <p>Certain nominated occupations undergo significantly higher scrutiny and often they have limiting caveats that must be addressed.</p>
<p>2) Salary of Concern</p> <p>Base salaries less than \$65,000 are heavily scrutinised and high risk.</p>
<p>3) Genuine Position</p> <p>Business unable to show nominated position is: "genuine", within the scope and scale of the business, not created for sponsorship, alignment of nominated position duties with ANZSCO, satisfaction of the employee ratio test, financial viability, no relationship between nominee and the business, are heavily scrutinised and considered high risk.</p>

VISA APPLICATIONS
<p>1) Visa Applicant Nationality</p> <p>The visa applicant's nationality as detailed in DHA statistical, intelligence and analysis reports where migration fraud and immigration compliance issues are prominent resulting in significantly higher scrutiny and considered high risk.</p>
<p>2) Genuine Temporary Entry</p> <p>The economic or political circumstances in the visa applicant's country presents significant incentive for the visa applicant not to return to their home country or country of residence. The visa applicant appears to be using a series of temporary visas to maintain ongoing temporary residence greater than four cumulative years during the last five years.</p>
<p>3) Partner of the Visa Applicant</p> <p>There is a significant difference in the age and / or cultural background of the visa applicant's de-facto or recently married de-jure partner.</p>
<p>4) Health</p> <p>Visa applicants and their family members with any health issues are subject to significantly higher scrutiny and are considered high risk.</p>
<p>5) Character</p> <p>Visa applicants with character issues are heavily scrutinised and high risk. Both spent & unspent criminal convictions & offences regardless of declaration in previous applications and Incoming Passenger Cards. Security checking conducted by the DHA and / or ASIO.</p>
<p>6) Data Matching</p> <p>The DHA data matches with other government agencies including ASIO, the ATO and Centrelink, and applies significantly higher scrutiny resulting in high risk.</p>
<p>7) No professional qualifications</p> <p>Visa applicants without professional qualifications relying on employment references etc. to evidence skills and experience are subject to significantly higher scrutiny and are high risk e.g. DHA Integrity Checking to verify the veracity of the employment.</p>
<p>8) Previous compliance with immigration law</p> <p>Visa applicant's noncompliance with visa conditions, visa cancellation or family members with previous noncompliance are high risk and subject to significantly higher scrutiny.</p>
<p>9) Inconsistency in Information and Document Provision / Document Fraud</p> <p>Visa applicant inconsistencies in documentation and information provided in current and previous applications is subject to significantly higher scrutiny and considered high risk. The DHA undertakes Internal Checking to ensure documentation and information is consistent. Failure to provide consistent information and genuine documentation may lead to significant penalties and sanctions, e.g. visa cancelation, bars on future visa applications.</p>
<p>10) Visa Applicant's Immigration History</p> <p>Visa applicant and / or their family members with an immigration history of concern including compliance with all previous visas are high risk and result in significantly higher scrutiny.</p>

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