

# Actions Speak

## **Delays in processing of applications for Australian Citizenship by conferral**

Investigation into the Department of Immigration and Border Protection's administration of a cohort of applicants requiring enhanced integrity and identity checks

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# Why did we do this report?

In July 2016, we began an investigation into the Department of Immigration and Border Protection's administration of Australian citizenship by conferral applications. A conferral application is one way someone can obtain Australian citizenship.

**Note:** the Department of Immigration and Border Protection was absorbed into the Department of Home Affairs in 2017. To make things easier to understand, we will use the term 'Home Affairs' in this report.

We started this investigation because we were worried about the delays in application processing times, especially for applications requiring enhanced integrity and identity checks.

In early 2016, before we started the investigation, we received over 300 complaints from people reporting delays of more than a year, and sometimes over two years, before they were given decisions about their citizenship applications. The increase in the complaints looked like it was caused by two things:

1. a higher number of citizenship by conferral applications
2. Home Affairs started to become aware of identify fraud and wanted to reduce this occurring. This likely meant decision-makers, the people who make the decisions about someone's application, took more time when deciding what to do with a high-risk application.

During our investigation, we looked at the 2015 Australian National Audit Office performance audit on the effectiveness of Home Affairs' identity verification processes. This audit helped us work out how Home Affairs could improve the management of its caseload regarding identity-related risks.

In December 2017, we published a report called '[Delays in processing of applications for Australian Citizenship by conferral](#)' with the findings of our investigation. In the report, we acknowledged the challenges faced by







decision-makers in processing applications for Australian citizenship by conferral, especially the increased effort required to verify an applicant's identity. We made four recommendations to help Home Affairs better manage the growing number of complicated identity issues. Home Affairs agreed to implement the recommendations.

In September 2020, we published a report called '[Did They Do What They Said They Would? Reviewing our Recommendations](#)'. This report looked at whether Home Affairs implemented the four recommendations it agreed to in December 2017. We found recommendations one, three and four had been implemented and recommendation two was partially implemented. Partially implemented means Home Affairs took some steps to implement the recommendation.

This report, called *Actions Speak*, gives you our findings on what has happened with recommendation two since then. It also gives you a summary of our previous assessment of Home Affairs' implementation of recommendations one, three and four.



# Recommendations summary

<p><b>Recommendation 1 (Accepted)</b></p> <p>The Ombudsman recommends Home Affairs continue its efforts to ensure the Australian Citizenship Instructions provide adequate information for delegates on how to be satisfied of an applicant's identity; the thresholds to be met to enable consistent decision-making and to give delegates confidence to make a decision.</p>	<p>Implemented</p> 
<p><b>Recommendation 2 (Accepted)</b></p> <p>The Ombudsman recommends Home Affairs continues to develop the Australian Citizenship Instructions to include more information about how to assess and be satisfied that an applicant is of good character, as well as the development of an internal instruction (not for public release) when considering protected intelligence information and allegations, as opposed to criminal convictions. Home Affairs should provide us with a copy of both instructions once complete.</p>	<p>Partially Implemented</p> 
<p><b>Recommendation 3 (Accepted)</b></p> <p>The Ombudsman recommends Home Affairs continues to develop the Australian Citizenship Instructions to include information about determinations made under section 26(3) of the <i>Australian Citizenship Act 2007</i> and lawful decision-making, and that it provides us with a copy of the revised instructions once complete.</p>	<p>Implemented</p> 
<p><b>Recommendation 4 (Accepted)</b></p> <p>The Ombudsman recommends Home Affairs continue its efforts to implement the capability developments it has envisaged in its Identity Strategy, as this may assist the citizenship program to manage its backlogs.</p>	<p>Implemented</p> 

# How did we assess implementation?

We conducted a desktop review of Home Affairs' implementation of the four recommendations. This involved looking at information and documents Home Affairs gave to us and other documents we already had access to, without needing to go to its offices or do interviews with its staff.

# What did we find in this report?

## Recommendations 1, 3 and 4

In 2020, we assessed the implementation of recommendations one, three and four as being implemented. We have not made any changes to these findings in this report.

## Recommendation 2

In 2020, we said recommendation two was partially implemented. Home Affairs had finalised the Australian Citizenship Instruction but it had not finalised the intelligence instruction. Five years later (seven years since we made this recommendation) this has not changed.

We are disappointed and concerned even though Home Affairs said it was going to implement recommendation two, it has not done this. Seven years is far too long.

Commonwealth agencies should implement accepted recommendations in a timely manner.

Acting on agreed recommendations in a timely manner both improves Government administration and demonstrates accountability on the part of the agency.



# Ombudsman assessment



## Recommendation 1 (Accepted)

The Ombudsman recommends Home Affairs continue its efforts to ensure that the Australian Citizenship Instructions provide adequate information for delegates on how to be satisfied of an applicant's identity; the thresholds to be met to enable consistent decision-making and to give delegates confidence to make a decision.

**Status:** Implemented



### Ombudsman comments

In 2020, we reviewed this recommendation and said it was implemented.

Home Affairs told us it had finalised and published a citizenship policy instruction to its internal database. We reviewed the instruction which provides guidance on how to assess a person's identity according to Home Affairs' three pillars of identity—biometrics, documents and life story.

The instruction provides guidance on the legal requirements and related policies that apply when undertaking an assessment of a person's identity. The instruction guides decision-makers on assessing the consistency of evidence collected across the three pillars and how much weight to give individual pieces of evidence where there is conflicting information.





## Recommendation 2 (Accepted)

The Ombudsman recommends Home Affairs continues to develop the Australian Citizenship Instructions to include more information about how to assess and be satisfied that an applicant is of good character, as well as the development of an internal instruction (not for public release) when considering protected intelligence information and allegations, as opposed to criminal convictions. Home Affairs should provide us with a copy of both instructions once complete.

**Status:** Partially implemented



### Ombudsman comments

In 2020, we reviewed this recommendation and said it was partially implemented.

Home Affairs told us it had written two documents to put recommendation two into place. These were:

1. an instruction for assessing identity under the *Australian Citizenship Act 2007* (the Citizenship Act). This outlines when a decision-maker must assess good character and defines its meaning. The instruction includes discussions on case law, practical examples, legislative requirements, factors to be considered, how to weigh information and natural justice considerations
2. an instruction for making intelligence-informed visa and citizenship decisions. This instruction was designed to help decision-makers use intelligence fairly and consistently while ensuring natural justice for applicants.

We were satisfied Home Affairs had finalised the first instruction. However, the second instruction which we call the 'intelligence instruction' was yet to be finished and approved for use.



In 2022, Home Affairs gave us an update on the implementation of recommendation two. It told us the intelligence instruction was drafted in late 2019 but it was not yet finalised. Home Affairs said the draft did not adequately address the practical challenges of visa and citizenship decision-making so changes needed to be made to it.

Home Affairs suggested the intent of recommendation two had been addressed in February 2022 through something called the Caseload Risk and Integrity Capability, which supports caseload risk and integrity officers across the global visa processing network. Home Affairs also said the intelligence instruction would be re-drafted to ensure its operational relevance, with the aim of making it ready for use in the second half of 2023.

We acknowledged Home Affairs' improvements to its Caseload Risk and Integrity Capability but also said it still needed to finalise the intelligence instruction to support consistency and transparency in decision-making. We said recommendation two would stay partially implemented until the finalised instruction was published and a copy given to us.

In March 2024, Home Affairs told us the intelligence instruction was still progressing and it expected to finalise the document in the second half of 2024.

In September 2024, we followed up with Home Affairs asking for a progress update. We got a call from a Home Affairs staff member who told us finalisation of the intelligence instruction was delayed. They explained the draft was released for internal feedback in April 2024 and another round of consultation had been launched.

In October 2024, Home Affairs got back to us with more information about our follow up. Home Affairs told us it had been



actively progressing the instruction and provided us with a copy of the intelligence instruction that was still a working draft, undergoing consultation and subject to change. Home Affairs anticipated the document would be finalised in early 2025.

We saw the intelligence instruction provided guidance on assessing visa and citizenship applications. It outlined how to consider 'adverse information', the statutory obligations officers have when dealing with applications and the concept of natural justice in these cases. It also included references to relevant laws and provided some case studies.

**Note:** in simple terms, 'adverse information' is intelligence and allegations about someone.

We considered, however, the intelligence instruction was unclear and confusing and needed to be improved a lot. We sent Home Affairs a detailed list of the things we expected it to address to meet the requirements of recommendation two.

In summary:

- Home Affairs' failure to implement this recommendation, over seven years, is not good enough. The intelligence instruction has not been finalised and published.
- The intelligence instruction needs lots of improvements.
- Home Affairs accepted the recommendation in 2017.
- Since the time of the last assessment, in 2020, Home Affairs has not undertaken enough work on this matter.



## Update from Home Affairs

In February 2025, we gave a draft copy of this report to Home Affairs. Home Affairs told us it believed the spirit or intention of recommendation two had been met and provided information to support this view. It asked us to reconsider our findings.

After considering, in detail, the information Home Affairs provided, we are still of the view recommendation two is partially implemented. In other words, our finding has not changed.

Because the information Home Affairs gave us was sensitive (protected information), we have not included it in this report. We have provided Home Affairs with our reasons for our findings in a separate letter.





### Recommendation 3 (Accepted)

The Ombudsman recommends Home Affairs continues to develop the Australian Citizenship Instructions to include information about determinations made under section 26(3) of the Australian Citizenship Act 2007 and lawful decision-making, and that it provides us with a copy of the revised instructions once complete.

**Status:** Implemented



#### Ombudsman comments

In 2020, we reviewed this recommendation and said it was implemented.

Home Affairs wrote citizenship policy instructions concerning general decision-making under the Citizenship Act including cancellation of approvals and delays in making the pledge of commitment.

We reviewed these instructions, which include information about how determinations under section 26(3) of the Citizenship Act apply and the general principles of good decision-making, including assessing evidence.





## Recommendation 4 (Accepted)

The Ombudsman recommends Home Affairs continue its efforts to implement the capability developments it has envisaged in its Identity Strategy, as this may assist the citizenship program to manage its backlogs.

**Status:** Implemented



### Ombudsman comments

In 2020, we reviewed this recommendation and said it was implemented.

We reviewed the updated 'Australian Citizenship Ceremonies Code 2019' which now provides guidance on how to identify an individual at a conferral ceremony.

We note this Code was approved by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs on 23 August 2019 and was implemented on 19 September 2019. Home Affairs told us it carried out facial recognition training for ceremonial officers between July 2018 and June 2019.

We looked at these training materials which were on the topic of Australian citizenship ceremonies and identity verification/imposter detection. We saw evidence of this training being provided to 248 council officers across 158 councils in Darwin, Launceston, Hobart, Perth, Adelaide, Sydney, Brisbane and Melbourne. Home Affairs told us it had done additional work to explore the online delivery of this training to ceremonial officers in regional and remote locations.

To ensure Home Affairs continues to maintain the spirit of all the recommendations we made, it should continue to:



- Regularly review its operating guides, procedures and policies and look at whether it can improve them.
- Regularly review whether staff are appropriately using its operating guides, procedures and policies when assessing applications for Australian citizenship by conferral and making decisions.





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Our Ref: EC25-000694

Mr Iain Anderson  
Commonwealth Ombudsman  
Office of the Commonwealth Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Iain

Dear Mr Anderson,

Thank you for the letter from your office of 3 July 2025, advising that you have considered the information provided by the Department of Home Affairs (the Department) and are satisfied that recommendation two of *Actions Speak: Delays in processing of applications for Australian Citizenship by conferral* remains partially implemented.

I apologise for the delay in fully implementing this recommendation. We have commenced development of internal instructions that will enhance and improve processes for handling enquiries about the inclusion and disclosure of adverse information. We expect to have this finalised and implemented by December 2025.

Responsibility for drafting the internal instructions sits with Immigration Risk, Integrity and Assurance Branch. I have asked [REDACTED] to provide your office with an update on the completion of the instructions and provide any additional information that may be of relevance to the recommendation.

The Department remains committed to working with your office to implement these internal instructions. Should your staff wish to discuss any aspects of the Department's response, they may contact [REDACTED]. Alternatively, you are welcome to contact me directly.

Yours sincerely,

[REDACTED]

Stephanie Foster

31 July 2025

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