



Department of Immigration and Citizenship

THE SAFEGUARDS SYSTEM

JULY 2008

Report by the Commonwealth and Immigration Ombudsman,
Prof. John McMillan, under the *Ombudsman Act 1976*

REPORT NO. **07|2008**

Reports by the Ombudsman

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CONTENTS

INTRODUCTION.....	1
Scope of investigation	2
Methodology.....	2
PART 1—THE APPLICATION OF SAFEGUARDS	3
How the safeguards system operates.....	3
Profiles in Safeguards.....	3
PART 2—NON RISK FACTOR LIST PROFILES	5
Transparency	5
Content.....	6
Currency.....	7
Recordkeeping	8
PART 3—THE RISK FACTOR LIST	9
History of the risk factor list.....	9
Development of a new risk factor list	10
Inconsistency and adverse outcomes for visa applicants	10
PART 4—RECOMMENDATIONS AND CONCLUSIONS.....	12

INTRODUCTION

All non-citizens are required to have a valid visa in order to enter and remain in Australia on a temporary or permanent basis. Traditionally, overseas applicants were required to lodge visa applications at the nearest overseas Australian embassy or consulate general for processing. Over the last decade, the Department of Immigration and Citizenship (DIAC) has been moving increasingly towards a global working arrangement for visa processing. This means DIAC chooses to process different visa types in the most convenient and efficient location, rather than in the place where the applicant resides.

Moving the processing of some visa applications to Australia, and centralising visa processing in particular offices in Australia, has yielded efficiencies for DIAC. It has also increased the need for better sharing of information across DIAC's network of Australian offices and overseas posts, including local intelligence and information relevant to the genuineness of the applicant. In order to facilitate the sharing of this type of information, and to manage risk in visa decision making, DIAC developed the Safeguards System in July 2004.

The Safeguards System is a risk management system that is used as part of the visa decision-making process to identify an applicant who meets pre-determined characteristics. The system is designed to support decision makers in assessing applications, by ensuring that appropriate checks are undertaken. A match of an applicant against certain characteristics will result in a profile alert. This alert prompts the decision maker to consider whether further analysis or integrity checking is required, before the visa application is decided. Although a 'match' against certain criteria may indicate the need to consider undertaking further checks, the system is not designed to be used as the basis for refusing a visa.

This investigation arose out of a number of complaints to the Ombudsman about visa refusal decisions based on the Risk Factor List (RFL).¹ In investigating DIAC's use of the RFL, we became aware of the Safeguards System and its use as a distributed system of intelligence gathering and analysis to support the visa decision-making process. While we have not received any complaints specifically about the Safeguards System, we are aware of complaints about visa refusal decisions that are likely to have involved the use of Safeguards information, even though the complainants were not made aware of this information.

This own motion investigation was undertaken to determine whether the Safeguards System is being used appropriately and whether there are sufficient checks and balances in place to ensure it is an accountable and reasonably transparent system.

¹ The RFL is set out in a Gazette Notice authorised by the Minister for Immigration. Visa applicants who share the characteristics of a class of person specified in the RFL are required to provide a higher level of proof that they intend a genuine visit to Australia. DIAC decision makers are required to assess visitor and certain other temporary visa applications against this list as part of the visa decision-making process. The Safeguards System helps decision makers to identify applicants to whom the RFL applies.

Scope of investigation

The investigation looked at the use and management of the Safeguards System. While the investigation considered whether a decision maker took further action on a Safeguards match, we did not examine other aspects of the visa decision-making process or the merits of the decision to grant or refuse a visa.

The investigation considered two types of profiles contained within the Safeguards System.

1. Profiles containing information predominantly drawn from intelligence and trend analysis that may or may not be relevant to the visa application. Part 2 of this report makes recommendations relating to the content and currency of this data, as well as to recordkeeping practices in relation to its use.
2. Profiles relating to the RFL, which is included in the legislative criteria for the assessment of visitor visa applications. Part 3 of this report makes recommendations about the maintenance and currency of these profiles.

Methodology

The methodology of this investigation included:

- assessing electronic records and paper files for a sample of visa applications finalised in Australia for:
 - the actions undertaken by a decision maker in response to a Safeguards match
 - the recording of actions undertaken by a decision maker in response to a Safeguards match
 - the use of the RFL in assessing visa applications
- consulting with visa processing teams in DIAC State and Territory offices in Adelaide, Brisbane, Melbourne, Sydney and Canberra to gain an understanding of the use of Safeguards and the RFL in the visa decision-making process
- consulting with policy areas in DIAC's National Office in Canberra and a number of overseas posts to gain an understanding of the creation and maintenance of Safeguards profiles and the use of Safeguards in communicating information to decision makers
- consulting the relevant policy area in DIAC about the relevance of the current RFL.

PART 1—THE APPLICATION OF SAFEGUARDS

How the safeguards system operates

1.1 The Safeguards System provides a decision maker with access to local information from a range of countries and locations that may be relevant to determining a visa outcome, including potential issues about the integrity of information contained within a visa application. Specific intelligence, risk areas or concerns can be recorded in a profile within the Safeguards System. The profile alerts a decision maker to consider particular issues if the profile matches pre-determined characteristics of the visa applicant under assessment. The system also includes 'positive' profiles that are designed to help decision makers identify applications that can be decided without further checking.

1.2 Profile characteristics include (but are not limited to) age, visa subclass, country of birth, citizenship, travel document type, occupation type, migration agent, and sponsor or employer. Profiles do not relate to a specific, individual visa applicant but rather describe characteristics relevant to a class of people.

1.3 A Safeguards check is automatically generated at the time the application is lodged. A second automatic check is conducted just prior to the decision being made. For an application that can be decided quickly, these checks may occur on the same day. In other cases, the checks may be conducted some weeks or months apart.

1.4 When a visa application includes characteristics that match a Safeguards profile, the decision maker is presented with an alert message indicating that there is further information available or further checks that may be required.

1.5 The alert message that will appear on the screen generally contains advice for a decision maker, which may include:

- a recommendation that the decision maker consider referring the case to an overseas post for further checking, for example, to verify the bona fides of employment or other documents relevant to the visa application
- reminding a decision maker of a process which should be followed in assessing a particular visa type, for example, security checking
- referring a decision maker to a relevant policy document
- advising a decision maker to scrutinise more closely an aspect of the application.

1.6 If an alert is triggered, the decision maker can find more detailed information in a separate IT system, including more detailed profile narratives, links to relevant internet sites, and copies of valid and fraudulent official documents, such as passports and birth certificates.

Profiles in Safeguards

1.7 DIAC policy areas and offshore posts are responsible for authorising the creation, amendment and deletion of profiles relating to their area of responsibility. These areas are known as 'owner areas'. The Safeguards Team within DIAC's National Office administers the Safeguards System by adding, updating and deleting profiles on the advice of owner areas.

Commonwealth and Immigration Ombudsman—DIAC: The Safeguards System

1.8 It is the responsibility of the owner area to consult internally before requesting that National Office add, modify or delete a profile in Safeguards. The Safeguards Team is required to check the contents of a proposed profile, including the matching rules and seek clearance for the profile from other areas within DIAC. Proposals to create, amend or delete profiles are cleared by the Compliance and Case Management Division and the Border Security Division within DIAC.

1.9 Currently, there are more than 300 active profiles in the Safeguards System. Some profiles may only target a particular group of people based on the visa class for which they are applying. Other profiles may be applied more broadly by being matched to all visa types where risk criteria are identified, such as age group and country of citizenship.

1.10 Some profiles may have very few matches, while other profiles may produce hundreds of matches a day. For example, in a six-month period, one profile matched against 22,220 visa applications, while a different profile matched with only eight applications.²

1.11 DIAC's National Office produces regular reports on the number of matches occurring against each profile and provides this information to the relevant owner area. The Safeguards Team also undertakes other analysis from time to time, including examining the actions taken by decision makers as a result of a Safeguards match.

1.12 Profiles are generally in place for six months and are subject to a biannual review. Profiles can be renewed for another six months based on a demonstrated need to continue the profile, supported by recent trend analysis or relevant intelligence information. Profiles can also be deleted where the issue or information is no longer relevant or a particular event has passed. A request to delete a profile may be made at any time, but arises commonly after the profile has been subject to a review.

² Statistics provided by DIAC for matches against visa applications processed in Australia during the period November 2007 to April 2008.

PART 2—NON RISK FACTOR LIST PROFILES

Transparency

2.1 The Safeguards System is classified as ‘in confidence’. There appears to be little public awareness of the Safeguards System and the way in which Safeguards profiles are used to assist decision makers in assessing visa applications.

2.2 According to DIAC policy and procedure, Safeguards information is not referred to in any part of a decision, including decision letters. DIAC’s view is that a Safeguards match will never be the reason or part of the reason for visa refusal because the Safeguards alert is only used to assist visa processing. DIAC policy states that should such information be available to an applicant, it could be misunderstood as information that affected the decision on their visa application. Additionally, there is the perception that some applicants could use such information improperly to amend their application to avoid additional scrutiny resulting from a Safeguards match.

2.3 The information contained in Safeguards profiles is diverse. Some Safeguards profiles contain information that is not able to be publicly released, for example, information relating to national security checking procedures. Other information is already in the public domain, such as the RFL, which is published in a gazette notice. The remaining Safeguards profiles contain an array of information, drawn from a range of sources and with varying sensitivity. While we recognise DIAC’s concern that the release of certain information could assist non-genuine applicants to frame their application in such a way as to avoid detection, the public interest to know the basis on which DIAC makes its decisions, including decisions to scrutinise some applications more closely, also needs to be considered.

2.4 In the interests of transparency and accountability, DIAC should consider whether some Safeguards information could reasonably be made public. This could include publishing details of the Safeguards System, its purpose and how it works on the DIAC website. The contents of a number of Safeguards profiles could also be made available on the DIAC website or alternatively a list of the visa types or general topics subject to Safeguards profiles could be provided.

2.5 Once an application has been lodged, DIAC should ensure that decision makers adhere to the principles of natural justice (procedural fairness). If a Safeguards match has caused the decision maker to consider or obtain adverse third party information, an outline of this information must be disclosed to the applicant and the applicant given an opportunity to comment before a decision is made to refuse the visa. The nature of the information provided to an applicant may be influenced by legitimate secrecy considerations, akin to the exemption provisions in the *Freedom of Information Act 1982*.

2.6 When recording the decision, a decision maker should note in detail how they used the information in the Safeguards profile and what weight was given to the information either contained in the profile or obtained as a result of further checking prompted by a Safeguards match. Such records are necessary to guard against any potential misuse of Safeguards information. This may occur if the decision maker does not undertake further checks to substantiate the information contained in a Safeguards match but instead proceeds to refuse the visa. Alternatively, a decision maker could misuse Safeguards information by placing undue weight on information

Commonwealth and Immigration Ombudsman—DIAC: The Safeguards System

or factors highlighted in the Safeguards profile without properly considering the overall merits of the case.

2.7 Even where a Safeguards match does not lead to a decision to refuse a visa, it can impact on the timeliness of decision making and the evidence required from the applicant. For example, if a Safeguards profile is too broad or not updated in a timely manner, it may result in a visa applicant experiencing unnecessary delay while their application is referred elsewhere for further checking. Also, if a Safeguards profile does not contain contemporary information, applicants could be required to produce additional evidence without good cause.

2.8 Given the lack of transparency in the Safeguards system and its potential impact on clients, there is a need for a strong accountability framework to ensure that visa applicants are treated fairly and reasonably. The lack of a rigorous quality assurance process could give rise to perceptions of a potentially discriminatory approach towards selecting applications requiring further scrutiny or create the impression that visas are refused on the basis of a Safeguards match.

2.9 In order to improve transparency and guard against perceptions of discrimination, DIAC should consider making improvements in the Safeguards System in the areas of content, currency and recordkeeping.

Content

2.10 This investigation found currently there are insufficient checks and balances in place to ensure that adequate supporting evidence is provided to justify the creation of a profile. In some cases, profiles referred to trends in levels of fraud or other malpractice without providing details of the number of cases involved or the date this information was actually collected.

2.11 It is important that profiles are logically derived from objective, statistically valid and defensible data in order to avoid assertions of discriminatory practice. Decision makers should refer to objective statistical or trend analysis to fully understand the risk involved and therefore the need (or otherwise) for further checking or scrutiny of the application under consideration. Similarly, decision makers need to be aware of the date such information was collected to judge whether it may or may not relate to the application they are assessing.

2.12 Communication and sharing of information should drive the management and use of the Safeguards System. Information gathered by decision makers or visa-processing areas should be combined with information from other sources to create useful and effective Safeguards profiles to support quality decision making.

2.13 This investigation found that owner areas do not consistently consult decision makers about the usefulness of their profiles or seek new information that may be relevant to the profile content. Similarly, decision makers are not always sharing local intelligence with owner areas and other DIAC offices so that profiles can be updated accordingly.

2.14 DIAC staff interviewed by our investigation officers reported that this local intelligence is not necessarily relayed to the Safeguards section in National Office or to a particular profile owner area due to time imperatives and in some cases because of a belief that Safeguards cannot be updated in a timely manner. This conflicts with the stated aim of the Safeguards System and creates the risk of a siloed and uncoordinated approach to identifying, reviewing and applying agreed risk areas in visa decision making. Ironically, the Safeguards System was created to prevent that

Commonwealth and Immigration Ombudsman—DIAC: The Safeguards System

happening. The failure to update information on a regular and timely basis run counter to National Office advice that there is the capability to create or update profiles in Safeguards within minutes and to make it responsive to emerging issues.

2.15 Some decision makers reported that it is not always clear from the content what action should be taken following a Safeguards match and that on some occasions alert messages and profile narratives can be ambiguous. Owner areas need to ensure that their profiles are clear and succinct and always include suggested steps for decision makers to follow when there is a match. Otherwise, there is a risk that a decision maker will take no action due to uncertainty about the appropriate response and the alert will fail to achieve its intended result. Alternatively, decision makers may proceed to refuse a visa without sufficient information.

Currency

2.16 In order for Safeguards profiles to be most effective, it is important that they are updated with accurate and contemporary information drawn from local and overseas intelligence and reflect changing trends. Our investigation found that this does not always occur. In some cases, owner areas advised National Office to renew a profile for a further six months without providing evidence to substantiate this request, such as supporting statistical or intelligence information.

2.17 In another instance, a profile relating to Sri Lankan visitor visa applicants was renewed without change in November 2007. This was despite the fact that the owner area had alerted decision makers by email to new information about the civil and political unrest occurring in Sri Lanka at the time. Although this information was relevant to assessing the incentive of Sri Lankan visitor visa applicants to return home, this information was not included in the updated profile.

2.18 Owner areas need to take a more proactive approach in reviewing and updating profiles on a regular basis, rather than only at the six-month review stage following a reminder from National Office. Further, the six-month review should involve a fresh consideration of the issues and relevant statistics, rather than maintaining the current profile in the absence of any meaningful reconsideration.

2.19 The Adelaide Integrity Branch is one area of DIAC that appears to be managing Safeguards profiles effectively through timely action to update Safeguards profiles and regular communication between decision makers, profile owner areas and intelligence staff. The Branch's approach is detailed below.

Adelaide Integrity Branch—maximising the effectiveness of Safeguards

The Adelaide Integrity Branch (AIB) analyses integrity-related information from a range of sources and uses this information to create and update Safeguards profiles relating to the general skilled migration caseload and offshore student visa applications. The AIB analyses the outcomes of referrals by Australian decision makers to overseas posts for certain checks and compares the rate of referrals against the rate of visa refusals.

For example, an AIB analysis of trends in fraud in the General Skilled Migration visa caseload for a particular country found that the number of cases being referred for checking was appropriate and justified. The analysis also concluded that the rate of fraud related to a number of professional occupations and therefore the Safeguards profile could be narrowed to match only against those occupations. This eliminated a number of unnecessary checks to the overseas post, saving time and resources.

Additionally, decision makers in the Adelaide skilled processing centre advised that where new information is identified through visa processing or where they might have queries in relation to a particular profile they will discuss these directly and immediately with the AIB. The AIB advised that this open communication may result in profiles being updated in a timely manner.

The AIB example shows the importance of an effective analysis of intelligence and statistical information, regularly reviewing and updating profiles and sharing information between decision makers and owner areas. This can guide the ongoing development of Safeguards profiles to ensure that they support decision makers and target integrity-checking resources in the most effective and efficient manner.

Recordkeeping

2.20 DIAC policy requires a decision maker to record the action they have taken in response to a Safeguards match. This investigation found there is a lack of useful notes to describe the action taken in response to a Safeguards match and there is inconsistency across DIAC in the way such notes are recorded.

2.21 Some decision makers reported it was best practice to always include a note explaining consideration of a Safeguards match. Others were of the view that a note would only be recorded if they had taken action, such as further checking, as a result of the match.

2.22 Additionally, DIAC's policy requires a decision maker to record action taken in relation to a Safeguards match in two separate areas of the case management system.³ Decision makers report that it is inefficient to record duplicate information in more than one area. As a result, there are different recording practices across DIAC offices.

2.23 One way of addressing this inconsistency may be to create more meaningful action descriptors in the IT system. For example, actions such as 'actioned—not relevant', 'actioned—considered' and 'actioned—further checking' would provide more meaningful information about the steps taken by the decision maker. This may also remove the need in some cases for the decision maker to make a duplicate note of their actions in the Safeguards note field.

2.24 Regardless of where such information is recorded, decision makers need to make detailed notes of the action taken in response to a Safeguards match, including how they used the information contained in a Safeguards profile or obtained as a result of further checking.

³ For decision makers in Australia this is generally recorded in the Integrated Client Services Environment system. For decision makers overseas, this is generally recorded in the Immigration Records Information System.

PART 3—THE RISK FACTOR LIST

3.1 The Risk Factor List is a list of categories of people who have been found to have a statistically higher chance of overstaying their visa or changing to another visa in Australia after their arrival. The statistics and characteristics that can be used to devise the RFL are prescribed in the Migration Regulations 1994 at Schedule 4, Public Interest Criteria 4011.

3.2 The current list includes characteristics of nationality, sex and age. The RFL contains 113 categories of people from a total of 44 countries; these are the most commonly matched Safeguards profiles. Examples include:

- Brazil—Female—20 to 39 years inclusive
- Lebanon—Male—20 years or older
- Poland—Female—20 years or older.

3.3 The RFL is published in a Gazette Notice authorised by the Minister for Immigration. A visa applicant who shares the characteristics of a class of person specified in the RFL is required to provide a higher level of proof that they intend a genuine visit to Australia and will not overstay their visa or apply to change their status in Australia. Failure to provide proof of a standard to satisfy the decision maker will result in the rejection of the visa.

3.4 The RFL only applies to certain temporary visas including the 456 Business (Short Stay) visa, the 459 Sponsored Business Visitor (Short Stay) visa, the 462 Working and Holiday visa, the 676 Tourist (Short Stay) visa, and the 679 Sponsored Family Visitor (Short Stay) visa.

History of the risk factor list

3.5 Prior to the introduction of the RFL on 28 June 1991, there had been concerns that the use of local profiles by overseas posts to identify applicants with a higher likelihood of overstaying their visa was discriminatory and unlawful. The introduction of the RFL was intended to provide a more transparent basis for selecting visa applications that required closer examination to assess the applicant's genuineness as a temporary visitor.

3.6 The original RFL was based on the rate certain classes of people overstayed their visa (the overstay rate) by remaining in Australia beyond the visa expiry date. This was expanded in 1999 to the 'non-return rate' which includes people who stay in Australia after obtaining another visa or who depart Australia on a subsequent visa.

3.7 The change to the RFL to reflect the non-return rate was prompted by a 1996 inquiry into the visitor visa system by the Joint Standing Committee on Migration.⁴ The Committee supported the continued use of a risk factor profile, but recommended that it be updated each year in future to ensure its currency and accuracy. The RFL was updated again on 20 December 2000 in a Gazette Notice that came into effect on 1 January 2001. It has not been updated since.

⁴ Joint Standing Committee on Migration, Australia's visa system for visitors (January 1996).

Development of a new risk factor list

3.8 On 27 August 2003 the then Minister for Immigration and Multicultural Affairs, Mr Ruddock, announced that from September 2004 a new RFL would be developed based on three indicators:⁵

- a modified non-return rate, which would not include a person who entered Australia on a visitor visa and then extended their stay by applying for a second visitor visa, a student visa or a skilled visa
- a non-compliance rate capturing those persons found by DIAC to have breached the conditions of their visa while in Australia, for example, by working illegally
- the number of protection (refugee) visa applications lodged by nationals of a country; any country with more than 50 protection visa applicants in a program year would automatically be included in the list.

3.9 In July 2004 the Australian National Audit Office (ANAO) published an audit report on 'Onshore Compliance—Visa Overstayers and Non-Citizens Working Illegally'. The report included a reference to the review of the RFL and stated, as the Minister had previously advised, that a new RFL would come into effect in September 2004. However, this did not occur.

3.10 To date, a new RFL has not been gazetted and the new indicators have never been put into effect. As a result, DIAC decision makers are required to assess applicants against the 2001 RFL, which is based on 1999–2000 data.

3.11 During this investigation, DIAC reported that work had recommenced in February 2007 to assess the continued use of the RFL. It is essential that the RFL be updated as a matter of priority to ensure that visa applications are not delayed or refused due to out-dated RFL statistics. The current Safeguards profiles reflecting the RFL should also be updated or deleted as soon as possible to ensure that decision makers are not required to give consideration to irrelevant factors, in contravention of the principles of good administrative decision making.

Inconsistency and adverse outcomes for visa applicants

3.12 This investigation found that some decision makers do not apply the RFL because they know it is out of date, even though this is required by regulation. Other decision makers advised they are obliged to assess an applicant against the RFL even though it is outdated, because it is a legislative requirement. It seems visa applicants are being assessed inconsistently against the RFL, with some applicants being refused on the basis of an assessment against the RFL while others are granted a visa without having to provide a higher level of evidence to satisfy decision makers that the applicant is a genuine visitor.

3.13 Even those decision makers who use the RFL in assessing visa applications were uncertain about how to assess whether an applicant has met the higher level of proof. The Procedure Advice Manual (PAM3) and Ministerial Direction No. 36 set out the type of evidence that a visa applicant can provide to satisfy this higher level of proof.⁶ This includes:

⁵ 'Community Leaders Encouraged to Help with Visa Compliance', media release MPS 55/2003 by the Minister for Immigration and Multicultural and Indigenous Affairs, the Hon. Philip Ruddock MP, 27 August 2003.

⁶ PAM3: SCH4/4011, 'Visitor Risk Factors' and Ministerial Direction No. 36 of 2005 'Visitor Applications'.

Commonwealth and Immigration Ombudsman—DIAC: The Safeguards System

- evidence of employment for at least the last 12 months
- proof of leave from their employer for the period of stay sought and evidence that they will continue to be employed on their return from Australia
- evidence of sufficient family ties to provide an inducement to return home at the end of their visit
- access to funds for the period of their stay and the activities proposed.

3.14 It is often difficult for applicants affected by the RFL to prove they intend a genuine visit to Australia and will return to their country of residence, even if they provide the type of information listed in Ministerial Direction No. 36. The reliance on the RFL as a reason for refusing a visa is a concern because decision makers need to examine the full circumstances of the applicant in determining their genuineness. It is a further concern that the RFL (given the historical data on which it is based) may not be an accurate measure of the non-return rate for that particular class of person at the time the visa application is decided.

PART 4—RECOMMENDATIONS AND CONCLUSIONS

4.1 Used appropriately, the Safeguards System is a useful tool for supporting decision makers in assessing visa applications against relevant information. The system provides users with a valuable reminder of the types of checks or steps that need to be undertaken for different types of visa applications and for applicants with certain characteristics.

4.2 Since the Safeguards System is not open to public scrutiny, DIAC has a greater responsibility to ensure that adequate checks and balances are in place to ensure the system is used appropriately and that the information it contains is accurate, objective and defensible. This investigation found gaps in the current accountability framework that need to be addressed through improvements in the areas of Safeguards content, currency and recordkeeping. Implementing the improvements recommended in this report would assist all areas of DIAC to maximise the use of Safeguards in upholding the integrity of Australia's visa system.

RECOMMENDATION 1

DIAC should improve the transparency of the Safeguards System by:

- a. publishing details of the purpose and function of the system on the DIAC website, or in a suitable alternative form
- b. developing guidelines that specify the information from Safeguards profiles that can be made available to the public in general or specific terms.

DIAC's response

- a. **Accepted.** Detail of Safeguards is available in a publicly available instruction called the Procedures Advice Manual (PAM) #3, on Visa Systems, Alerts and Databases. This PAM is available through DIAC's package of Legislation, Policy and Procedures called Legend. Legend is used widely by the migration industry in Australia, specifically registered migration agents, but is likely to not be widely read within the community. We will therefore publish an overview of Safeguards on the DIAC website.
- b. **Accepted.** It is anticipated that the information we will now make available generally can include generic examples which closely resemble actual alerts and information. On the matter of specific information, DIAC's Safeguards and Freedom of Information units will collaborate in preparing guidelines about the release of specific information or specific groups of profiles or alerts.

Both the update and guidelines will be implemented by 30 September 2008.

RECOMMENDATION 2

DIAC should strengthen the quality assurance process for Safeguards to ensure that:

- a. owner areas are directed to undertake detailed analysis of intelligence, statistical and other information and to ensure that this type of supporting information is provided to National Office to justify the creation, modification or deletion of a profile

- b. profiles consistently carry the date the information was obtained
- c. decision makers receive clear guidelines on the steps to be taken if there is a Safeguards match
- d. owner areas provide information regularly to decision makers, and use any feedback to further refine Safeguards profiles.

DIAC's response

- a, b and d. Accepted.** Overall, we anticipate that the formulation of a strategic framework and a strategic management approach to matters of integrity in visa programs will enable this recommendation. The Department is undergoing a period of change in its management of integrity issues. At an operational level, options include expansion of the Adelaide Office practices to other offices; conducting analysis in Adelaide for caseloads processed in other offices; and development of a formal Safeguards and integrity checking framework. Within National Office, key players will be Divisions responsible for Border Security, Compliance, Client Services, the Service Delivery Network and Migration and Temporary Entry. In particular, DIAC plans to:
- refine integrity checking arrangements, particularly in checking documents and claims in overseas countries;
 - enhance our capacity for analysis of information gathered, with analysis occurring within National Office and other offices;
 - ensure such analysis is more readily available to staff and managers who have to make judgements about acceptable levels of risk within various visa caseloads; and
 - require profile owner areas to provide evidence of their analysis, as recommended in (a).
- c. Accepted.** The Safeguards Section has attempted to maximise the placement of instructional ('do this') text within the first few words of the match alert text. It will revisit all alerts, modifying the text where possible. We will enhance training by engaging tools such as desktop simulation of processing scenarios. This will be implemented by 30 September 2008.

RECOMMENDATION 3

DIAC should maintain the currency of Safeguards profiles by requiring that:

- a. owner areas regularly review, update and delete Safeguards profiles, including before the six-month review date if circumstances change
- b. such a review includes a fresh consideration of the issues and relevant statistics, rather than maintaining the current profile in the absence of any meaningful reconsideration.

DIAC's response

- a. Accepted.** DIAC has implemented a procedure of six monthly updates of Safeguards profiles. We are also preparing instructions to profile owners that we expect review within this six month period when circumstances change.
- b. Accepted.** Owners of profiles will be required to evidence their fresh consideration of issues substantiating the profile.

RECOMMENDATION 4

DIAC should improve consistency in recordkeeping by:

- a. recording fully the steps taken by a decision maker in response to a Safeguards match
- b. ensuring that decision makers record more detailed information about how Safeguards information has been taken into account in deciding a visa application.

DIAC's response

- a. **Accepted.** DIAC is implementing changes to its computerised visa processing systems through its Systems for People project. Improvements in the capture of data and the recording and visibility of essential steps in visa processing and decision making are part of this change. The need for focussed training and clearer instructions is accepted. We will also consider the suggestion that we can improve consistency through minor changes to 'drop-down' options for recording how we actioned a Safeguards match. If we move to new generation risk-analysis driven alerts or auto-presented processing choices we will consider similar options under the theme of this recommendation.
- b. **Accepted.** An underlying principle of Safeguards activity is that the Safeguards match and alert text will not in itself be the reason or part of the reasons for a decision on a visa application, but any matters relevant to the application discovered as a result of the Safeguards match will be disclosed and taken into account. The Safeguards Unit will work closely with the DIAC owners of instructions and training packages on lawful decision making to develop a Safeguards specific module, addressing both this underlying principle and this recommendation.

RECOMMENDATION 5

DIAC should improve the quality of visa decision making by updating the Risk Factor List (and the current Safeguards profiles based on the list) as a matter of priority.

DIAC's response

Accepted. The Department implemented a new Risk Factor List on 14 June 2008. The revised list removed all European listings and replaced them with profiles based on up-to-date analysis of compliance statistics and intelligence from overseas posts. Work is planned to revise the analysis undertaken in 2007 to assess the ongoing use of the list with a view to providing the Minister with range of options for his consideration in the second half of this year.