



AUSTRALIAN CUSTOMS SERVICE PRACTICE STATEMENT

FILE NO: 2008/007525-01

PRACTICE STATEMENT NO: PS2008/35

PUBLISHED DATE: 28 July 2008

AVAILABILITY: Internal and External

SUBJECT: Primary Clearance

PURPOSE: This practice statement sets out the policy relating to primary clearance of arriving and departing international passengers and crew.

APPROVING OFFICER: National Director Passengers

CATEGORY: Operational Procedures (OP)

CONTACT: Passenger Policy Ph: (02) 6275 8026

SUMMARY OF MAIN POINTS

Customs Practice Statements are endorsed Customs policy and must be followed by all Customs employees. This Practice Statement outlines:

- The policies relating to the procedures carried out as part of the primary clearance of international passengers and crew by Customs, on behalf of a range of Government agencies.

The electronic version published on the intranet is the current Practice Statement.

STATEMENT

Introduction Statement:

The primary clearance of international passengers and crew is carried out by Customs at airports and seaports on behalf of a number of Government stakeholders. It involves the primary immigration clearance, on behalf of the Department of Immigration and Citizenship (DIAC) under agreement of a Memorandum of Understanding (MOU), of all arriving and departing international passengers and crew, together with the process of referral for interview or examination of passengers and crew in relation to a range of border and community protection and other requirements. The primary clearance process is key to the delivery of the Customs Outcome of effective border management in the passengers environment.

Context and Scope

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This practice statement encompasses all primary clearance activities, both manual and automated, including immigration clearance, actioning of system (Passenger Analysis, Clearance and Evaluation) and self-declarant referrals for Customs, immigration and quarantine and actioning of system referrals. It does not include secondary immigration functions, which are the responsibility of DIAC or other Customs activity undertaken in the baggage reclaim or secondary examination areas.

Policy Statement

All arriving and departing international passengers and crew are required to undergo primary clearance.

Customs presence at airports and seaports derives from our community protection role. Whether on our own behalf or on behalf of other agencies, we are there to support legitimate travel, the interventions needed to detect the illegal movement of people and the goods they bring across the border, and the collection of associated revenue.

Customs operations form part of the travel experience for the millions of travellers entering and leaving Australia every year. For many international travellers, their first impressions of Australia are created by their experience at our entry control points. This experience should be as welcoming and non-confronting as possible for the travelling public.

Customs is committed to working cooperatively with industry partners and to providing quality service to optimise the traveller experience. The primary line can become a passenger flow choke point, and it is therefore essential that individual clearance processes are undertaken as quickly and efficiently as possible, and according to agreed service standards. At the same time, attention to detail and accuracy is essential in ensuring effective immigration clearance and referral processes.

Procedural Statement

All passengers and crew arriving and departing Australia are required to present to Customs for primary clearance. Primary clearance is usually conducted at a primary line either manually or by automated border processing systems. The primary clearance process involves both immigration clearance into or out of Australia and the referral of passengers and crew for interview or secondary examination, where required by system checks, identity verification, travel document authentication, risk assessment or as a result of declarations made on a passenger card or aircrew declaration.

DIAC is responsible for administering the *Migration Act 1958* (the Migration Act), the object of which is to regulate, in the national interest, the travel, entry and stay in Australia of non-citizens. While Australian citizens have a right to enter Australia, the Migration Act requires all persons arriving in Australia, including Australian citizens, to seek immigration clearance and to provide evidence of identity and authority to enter Australia.

Under section 165 of the Migration Act, Australian Customs officers have a delegated authority, conferred by the Minister for Immigration and Citizenship, to undertake immigration clearance processing on behalf of DIAC at Australian borders. Only

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officers who have successfully completed the Passenger Clearance Course, and maintained required certification requirements, will be allocated the duties of primary officer.

The passenger card, which contains information and declarations for a number of Commonwealth agencies, is authorised by the Migration Act and the *Migration Regulations 1994*. Incoming Passenger Cards (IPC) and Outwards Passenger Cards (OPC) are supplied by DIAC to all international carriers. Completed passenger cards are legal declarations and in accordance with the terms of the MOU, Customs officers are required to check the passenger card for completeness. Passenger cards belong to DIAC and are returned to DIAC after Customs processing is complete.

Referrals are managed by Customs for a range of government agencies. Customs officers are required to ensure that all system referrals are actioned according to the instructions contained in the referral.

Immigration and health self-declarants are referred directly from the primary line to DIAC or the Australian Quarantine and Inspection Service (AQIS). Quarantine and Customs self-declarants are referred for interview or examination at the secondary examination point. Customs officers are required to ensure that all self-declarants are subject to the appropriate referral.

Specific arrangements exist for the primary clearance of aircrew, Guests of Government, Dignitaries, Diplomats, APEC Business Card Holders, minors and domestic passengers and crew who fly on segments of international flights.

RELATED INSTRUCTIONS AND GUIDELINES

- Inwards Processing
- Outwards Processing
- Domestic and Transit Passengers and Crew
- Aircrew Processing
- Fraudulent Travel Document Detection System Procedures
- SmartGate Primary Management
- Request for Facilitation
- Guest of Government Processing Arrangements
- VIP Processing Arrangements
- Diplomatic Processing Arrangements
- Sea Processing: Passengers and Crew

RELATED POLICIES AND REFERENCES

A MOU between Customs and DIAC for the 'Provision of Passenger Clearance Services' exists to facilitate the delivery and management of immigration clearance processing. The MOU sets out the roles and responsibilities of both agencies in relation to immigration clearance and describes the level of support DIAC will provide to Customs in carrying out this function. The MOU sets out the responsibilities and standards to which Customs must carry out the immigration clearance function, with particular emphasis on identity verification and travel document authentication.

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Australia is a signatory to the Convention on International Civil Aviation, also known as the Chicago Convention. The Convention was established by the International Civil Aviation Organisation (ICAO), a specialist agency of the United Nations charged with coordinating and regulating international air travel. The Convention establishes rules of airspace, airplane registration and safety, and details the rights of the signatories in relation to air travel. Annex 9 was developed to standardise the processing and facilitation of passengers through international barriers, and to reduce and standardise documentation requirements of Customs administrations in relation to international aircraft movements.

KEY ROLES AND RESPONSIBILITIES

Customs policy responsibility rests with the Passenger Policy Section of the Passenger Operations Branch, Passengers Division.

The Director Passenger Policy is responsible for the preparation and dissemination of policy and practices in relation to the function. Airport Operations North and South are responsible for ensuring the efficient and effective delivery of the primary clearance function in the eight international airports while Enforcement Operations Branch is responsible for delivery of the primary clearance function at minor airports and all seaports.

Immigration policy responsibility rests with the Airports Policy Section of the Border Entry Branch of DIAC.

CONSULTATION

Industry Consultation

Not Required

Internal Consultation

Airport Operations North
Airport Operations South
Strategic Development (Passengers)
Enforcement Operations

Approval

Approved on 8 July 2008 by:
Jan Dorrington

National Director Passengers

ENDORSED

Endorsed on 25 July 2008 by:
Sue Pitman
A/g DCEO Passengers and Trade Facilitation

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