



Australian Government  
Department of Home Affairs

Submission

For decision

PDMS Ref. Number: MS24-000029

Date of Clearance: 12/01/2024

**To** Minister for Immigration, Citizenship and Multicultural Affairs

**Subject** Post-arrival support options for persons from Israel and the Occupied Palestinian Territories affected by the Hamas-Israel conflict

**Timing** *For consideration by 17 January in order to progress proposed options, as agreed with advisor S/ Advisor Matheson.*

Recommendations

That you:

S. 34(3)

3. **Note** that persons from Israel and the Occupied Palestinian Territories on temporary visas may apply for further visas onshore, providing they meet relevant eligibility requirements.

noted / please discuss

4. **Agree** to advise the Department that persons from significantly affected areas of Israel and the Occupied Palestinian Territories whose temporary visas cease without having made a further visa application give special consideration to the granting of a Bridging E visa (BVE), with work rights, for a maximum duration of 12 months through a single visa grant.

agreed / not agreed

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S. 34(3)

signed / not signed

b) extend Medicare eligibility for persons from Israel and the Occupied Palestinian Territories, who hold a BVE with work rights, and their immediate family members who also hold a BE.

6. Sign the letter to the Minister for Health and Aged Care (**Attachment B**) requesting that he agree, subject to agreement on policy authority from the Prime Minister, to extend Medicare eligibility to this potential cohort.

signed / not signed

Minister for Immigration, Citizenship and Multicultural Affairs



Signature.....

Date:18/01/2024

Minister's Comments

[Empty box for Minister's Comments]

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**Key Issues**

1. Your office has requested advice on options and mechanisms to provide post-arrival support to persons from Israel and the Occupied Palestinian Territories impacted affected by the Hamas-Israel conflict.

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*Further visa pathways for persons from Israel and the Occupied Palestinian Territories*

7. Persons from Israel and the Occupied Palestinian Territories wishing to extend their stay in Australia may apply for another visa before their initial visa ceases, which could include family, skilled, or student visas depending on their circumstances (see **Attachment C**). While awaiting the outcome of their application, in most circumstances a Bridging A (subclass 010) visa (BVA) would come into effect, the conditions of which will vary depending on the type of substantive visa applied for, and the circumstances of the applicant. Where financial hardship

is demonstrated, the BVA grant may include work rights. Only BVAs granted in association with a permanent visa will enable enrolment in Medicare, subject to meeting other requirements (having work rights on their visa or a parent, spouse or child who is an Australian citizen, Australian permanent resident or eligible New Zealand citizen).

8. Those who may fear harm if they were to return to Israel or the Occupied Palestinian Territories can apply for a Protection (subclass 866) visa which, if granted, lets the holder stay in Australia indefinitely. Persons who apply while they hold a substantive visa are eligible to be granted a BVA, which may include seeking work rights and consequential eligibility to enrol in Medicare (as per above).
9. Consistent with the direction from your office, Temporary Humanitarian Stay options (such as those provided to Afghans and Ukrainians in recent years) are not currently being considered.

*Options for a Bridging visa E (BVE) safety net (work rights and Medicare eligibility)*

10. Individuals who become unlawful following the cessation of their substantive visa will be eligible for a Bridging E (subclass 050) visa (BVE). A BVE is a short-term bridging visa that allows eligible individuals to stay in Australia lawfully while they seek to resolve their immigration status by obtaining a substantive visa or while they make arrangements to depart.
11. A BVE may be granted where an individual is making arrangements to leave Australia, or in association with an ongoing immigration process (while they await the outcome of a substantive visa application or subsequent merits or judicial review). Persons from Israel or the Occupied Palestinian Territories who meet the requirements for a BVE may remain in Australia as the holder of a BVE until the situation stemming from the Hamas-Israel conflict stabilises and they can return home, or, where relevant, until the outcome of any application they might make for a substantive visa (where they are not granted another type of Bridging visa in association with that application).
12. A BVE on departure grounds would generally be granted for a short period while a non-citizen engages with making departure arrangements. However, BVEs have previously been granted for longer durations in response to global events, including for non-citizens affected by border closures during the COVID-19 pandemic (up to six months), and for Ukrainian nationals who did not accept the offer of a Temporary Humanitarian Stay before the specified deadline of 31 July 2022, but who were unable to return home due to the Ukraine crisis (up to 12 months).
13. We recommend you specify, as a matter of policy, that a delegate should give special consideration to the grant of a BVE for a maximum duration of 12 months to persons from significantly affected areas of Israel and the Occupied Palestinian Territories who are eligible non-citizens. Should you agree, the Department will communicate this policy to delegates. A BVE will cease if the holder departs Australia.

Work rights

14. Where a BVE is granted on departure grounds a number of conditions are discretionary, including work rights. The Department recommends giving special consideration to the provision of work rights to BVE holders from areas of Israel and the Occupied Palestinian Territories significantly affected by the Hamas-Israel conflict. This proposed policy is with the

intent of ensuring individuals who may not be able to return home can support themselves financially in Australia in the interim.

- 15. Given current circumstances, the Department proposes that by policy all persons from the Occupied Palestinian Territories, as well as persons from significantly affected areas of Israel (in consideration of advice of the Department of Foreign Affairs and Trade) be provided work rights on their BVEs, subject to review when required.

Health care support

- 16. BVE holders who arrive lawfully by air are not ordinarily eligible for Medicare. As with the Ukrainian cohort of BVE holders, subject to relevant policy approvals, eligibility for Medicare can be extended to BVE holders with work rights, and their families, from significantly affected areas of Israel and the Occupied Palestinian Territories through a delegated Ministerial Order under the *Health Insurance Act 1973*, administered by the Department of Health and Aged Care. While difficult to project, it is expected that there will not be significant numbers of BVE holders with work rights from Israel and the Occupied Palestinian Territories. By comparison, despite approximately 4,000 visitor visas being granted to Ukrainians since August 2022, there have only been 75 BVEs granted to Ukrainians over that same period.
- 17. When agreeing to pursue Medicare eligibility for Ukrainians on BVEs, you also agreed to extend this decision to non-Ukrainian family members on BVEs in Australia (**MS22-001555** refers), and the relevant ministerial order providing eligibility for Medicare to Ukrainians on BVEs also encompassed any of their children born in Australia who were granted BVEs due to operation of law under Section 78 of the *Migration Act 1958*. The Department recommends this arrangement be replicated for relevant family members of persons from Israel and the Occupied Palestinian Territories who hold a BVE with work rights, regardless of whether those family members also have work rights on their BVE.
- 18. The letter to the Prime Minister at **Attachment A** seeks his approval to extend Medicare access to this prospective cohort, and a letter to the Minister for Health and Aged Care has also been prepared for your signature (**Attachment B**) seeking that the relevant order be made (subject to the Prime Minister’s agreement). The letter to the Prime Minister proposes that financial implications of this proposal be settled with the Department of Finance as part of the 2024-25 Budget process.

**Background**

S. 34(3)

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# s. 34(3)

20. From 7 October 2023 to 8 January 2024, a total of 9,065 visa applications were lodged by people declaring Palestinian citizenship, while 8,952 of these were Visitor visa applications lodged by people outside of Australia. During this time, the Department granted 2,314 visas to people declaring Palestinian citizenship, including 2,162 visitor visas (1,904 of these were granted to people outside Australia).

## Consultation – internal/external

21. Internal: Visa Support Centre; Finance Division, Procurement, Property and Contracts Division, Disputes and Corporate Law Division; Immigration Policy Division; Immigration Compliance Division; Visa Support Centre; Compliance and Community Protection Policy Branch; Multicultural Affairs Branch; Israel-Hamas Social Cohesion Taskforce
22. External: the Department of the Prime Minister and Cabinet; the Department of Foreign Affairs and Trade; the Department of Finance; the Department of Health and Aged Care; Services Australia.

## Consultation – Secretary / A/g Dep Sec Immigration / ABF Commissioner (Mandatory Field)

23. The A/g Secretary was not consulted on this submission.
24. A/g Deputy Secretary Immigration was consulted on the approach in the submission.
25. The ABF Commissioner was not consulted on the approach in the submission.

## Client service implications

26. The Department has published a web form and web content specific to the situation relating to the Hamas-Israel conflict. The web form provides a channel through which impacted people may contact the Department directly.
27. Talking points, community messaging and messaging for client enquiries is essential to managing the caseload. These continue to be refined through standard channels.

## Risks and Sensitivities

28. By providing work rights and Medicare access for BVE holders, there is a risk that the Government could be perceived to be encouraging individuals to become unlawful, noting individuals would need to become unlawful following the cessation of their current visa before being eligible for the grant of a BVE. This also means that arrivals on a temporary visa without work rights / Medicare (such as a Visitor visas) will remain without these privileges until their temporary visa ceases. Pending the establishment of necessary arrangements, the proposed emergency relief support may assist such cases.
29. As noted above, given the low uptake of Ukrainians on BVEs (even with the provision of Medicare eligibility), there may be a similarly low uptake for persons from Israel and the Occupied Palestinian Territories. However, the provision of Medicare eligibility for BVE holders with work rights would provide a safety net for those without access to another visa

and who are by the Hamas-Israel conflict. It is also possible that the BVE take-up might be greater for the potential caseload from the Occupied Palestinian Territories than for Ukrainians, noting their financial circumstances may impact on their capacity to meet relevant Visa Application Charges associated with other visa options (such as family, skilled and student visas).

- 30. Provision of emergency relief, and BVE Medicare access and work rights for BVE holders, may spark criticism from other multicultural communities in Australia who have not received similar support where crises have taken place in their countries of origin (for example, the Sudanese community). It may also set a precedent that Australia should respond in this way in similar circumstances in other countries in the future. This could come at a significant cost given the large volume of potentially impacted people should the current Hamas-Israel conflict spread further into Lebanon or elsewhere in the Middle East.

**S. 34(3)**

**Financial/systems/legal/deregulation/media implications**

**S. 47C(1)**

**S. 42(1)**

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# S. 42(1)

## Attachments

<b><u>Attachment A</u></b>	Letter to the Prime Minister
<b><u>Attachment B</u></b>	Letter to the Minister for Health and Aged Care
<b><u>Attachment C</u></b>	Background on visa grants and arrivals in Australia of persons with declared Palestinian and Israeli citizenship and movements out of the Occupied Palestinian Territories
<b><u>Attachment D</u></b>	Air Arrivals - Palestinian Authority and Israel
<b><u>Attachment E</u></b>	Visa Holders and applications on-hand – citizenship declared as Palestinian or Israel

<b>Authorising Officer</b>
<p>Cleared by:</p> <p>Andrew Kiley                  First Assistant Secretary                  Refugee, Humanitarian and Settlement Division</p> <p>Date: January 2024                  Mob: s.22(1)(a)(ii)</p>

**Contact Officer (minimum SES Band 1)** Andrew Kiley, FAS First Assistant Secretary Refugee, Humanitarian and Settlement Division Ph: s.22(1)(a)(ii)

**Through** Chief Finance Officer

**CC**

- Secretary
- A/g DS Immigration
- DS Chief Operating Officer
- DS Executive
- DS National Security and Resilience
- Group Manager Legal
- Chief Finance Officer
- FAS Immigration Policy
- FAS Executive Coordination
- FAS Citizenship and Multicultural Affairs

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## **Attachment C - Background on visa grants and arrivals in Australia of persons with declared Palestinian and Israeli citizenship and movements out of the Occupied Palestinian Territories**

### **Palestinian and Israeli visitor visa holders**

363 persons with a declared Palestinian citizenship have arrived in Australia since the start of the current Hamas-Israel conflict to 8 January 2024, the majority of whom have arrived on a Visitor (Subclass 600) visa (272 individuals, or 75 per cent). Most Visitor visas have been granted with a 12 month validity and three-month stay. Of the arrivals in this period, 57 held a permanent or provisional visa.

2,559 persons with an Israeli travel document have arrived in Australia since the start of the current Hamas-Israel conflict to 8 January 2024, the majority of whom have arrived on a Visitor visa (1,581 individuals, or 62 per cent). Most Visitor visas have been granted with a 12 month validity and three-month stay. Of the arrivals in this period, 246 held a permanent or provisional visa.

As at 8 January 2024, there were 276 Visitor visa holders in Australia with a declared Palestinian citizenship, and 638 Israeli Visitor visa holders in Australia (including some who arrived prior to the current conflict), noting the number of Visitor visa holders in Australia changes as holders arrive, depart or move onto other visa types.

Further data on visa grants and arrivals to Australia for persons from Israel and the Occupied Palestinian Territories are at **Attachments D and E**.

### **Movements out of the Occupied Palestinian Territories**

While 2,136 Visitor visas have been granted to Palestinians since the start of the current Hamas-Israel conflict, meeting the requirements for an Australian visa does not mean a person will be able to depart. Exiting the Occupied Palestinian Territories is extremely difficult and the ability of the Australian Government to help is limited. The Gaza border is controlled by authorities who assess requests to assist foreign nationals and immediate family members, and who have put tight limits on who can cross. The Department of Foreign Affairs and Trade (DFAT) must work within the capacity of the system established for foreign nationals seeking to leave, and is prioritising assistance to Australian citizens, permanent residents and their immediate family.

The number of visa lodgements from Palestinians is now dropping, and there are only very limited numbers of visa applications on hand which are likely to meet our policy and legislative criteria for grant. Combined with the difficulties in exiting Gaza and the West Bank, we are not likely to see further significant arrivals from the Occupied Palestinian Territories to Australia, barring unforeseen developments. The Department is providing daily visa statistics and will brief you should circumstances around this significantly change.

Air Arrivals

Info and Guidance

Data last updated 09/01/2024 11:08:25

TRIPS Movement Data Currency: 9 January 2024

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Permanent and Temporary visa holder air arrivals of **PALESTINIAN AUTHORITY** nationals whose visas were granted before and after **07 October 2023**

Filters i

Arrival Date Range From	07 October 2023	Travel Document Country	PALESTINIAN AUTHORITY	Visa Subclass Category	All
To	08 January 2024	Decision Date	07 October 2023	Visa Subclass	All

Visa Subclass Category	Visa Subclass Description	Visa Grant Date			Total
		On or Before 07 October 2023	After 07 October 2023	Data not available	
Permanent Residents	100 Partner	6	s. 47F(1)		
	101 Child		s. 47F(1)		
	155 Five Year Resident Return	6			6
	186 Employer Nomination Scheme	s. 47F(1)	6		s. 47F(1)
	189 Skilled - Independent	7	s. 47F(1)		s. 47F(1)
	190 Skilled - Nominated	s. 47F(1)			s. 47F(1)
	200 Refugee	s. 47F(1)	s. 47F(1)		
	300 Prospective Marriage				
	309 Partner (Provisional)	s. 47F(1)	5		s. 47F(1)
	801 Partner	s. 47F(1)			s. 47F(1)
	858 Global Talent		s. 47F(1)		
	886 Protection	s. 47F(1)			
	Student Visas	500 Student	8	7	
Temporary Skilled Residents	482 Temporary Skill Shortage	s. 47F(1)			s. 47F(1)
Visitor	600 Visitor	23	249		272
Other Temporary Visas	408 Temporary Activity		s. 47F(1)		
	461 New Zealand Citizen Family Relationship (Temporary)		s. 47F(1)		
	476 Skilled - Recognised Graduate		s. 47F(1)		
	870 Sponsored Parent (Temporary)				
	942 Crew Travel Registration				
Visa Subclass Data Not Available	Visa Grant Data Not Available				
<b>Grand Total</b>		<b>74</b>	<b>288</b>		<b>s. 47F(1)</b>

**Caveats**

- Data in this dashboard is subject to revision as it is based on information taken from live systems, which are continuously updated.
- Air arrival movement records are from 1 July 2021 onwards only

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Air Arrivals

Info and Guidance

Data last updated 09/01/2024 11:08:25

TRIPS Movement Data Currency: 9 January 2024

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Permanent and Temporary visa holder air arrivals of ISRAEL nationals whose visas were granted before and after 07 October 2023

Filters i

Arrival Date Range From	07 October 2023	Travel Document Country	ISRAEL	Visa Subclass Category	All
To	08 January 2024	Decision Date	07 October 2023	Visa Subclass	All

Visa Subclass Category	Visa Subclass Description	Visa Grant Date			Total
		On or Before 07 October 2023	After 07 October 2023	Data not available	
Permanent Residents	100 Partner	27	s. 47F(1)		s. 47F(1)
	103 Parent	s. 47F(1)			s. 47F(1)
	143 Contributory Parent (Migrant)	8			s. 47F(1)
	155 Five Year Resident Return	46	12		58
	186 Employer Nomination Scheme	20	s. 47F(1)		s. 47F(1)
	187 Regional Sponsored Migration Scheme	s. 47F(1)			s. 47F(1)
	189 Skilled - Independent	10	s. 47F(1)		s. 47F(1)
	190 Skilled - Nominated	7			7
	309 Partner (Provisional)	8			8
	489 Skilled - Regional (Provisional)	8			8
	491 Skilled Work Regional (Provisional)	s. 47F(1)			
	494 Skilled Employer Sponsored Regional (Provisional)	s. 47F(1)			s. 47F(1)
	801 Partner	28	s. 47F(1)		s. 47F(1)
	820 Partner	12			12
	858 Global Talent	31			31
	887 Skilled - Regional	6			6
	888 Business Innovation and Investment (Permanent)	s. 47F(1)			
	Student Visas	500 Student	35	6	
Temporary Skilled Residents	482 Temporary Skill Shortage	47	19		66
Visitor	600 Visitor	1,009	569		1,578
	651 eVisitor	s. 47F(1)			
	676 Tourist	s. 47F(1)			
Other Temporary Visas	020 Bridging B	13	s. 47F(1)		s. 47F(1)
	400 Temporary Work (Short Stay Activity)	23	29		52
	407 Training	11	s. 47F(1)		s. 47F(1)
	408 Temporary Activity	80	16		96
	417 Working Holiday	s. 47F(1)			
	461 New Zealand Citizen Family Relationship (Temporary)	s. 47F(1)			
	462 Work and Holiday	216	121		337
	485 Temporary Graduate	13			13
	771 Transit	15	40		55
	773 Border	s. 47F(1)			
	870 Sponsored Parent (Temporary)	5			5
	942 Crew Travel Registration	6	s. 47F(1)		s. 47F(1)
995 Diplomatic (Temporary)	5	s. 47F(1)		s. 47F(1)	
Visa Subclass Data Not Available	Visa Grant Data Not Available			15	15
<b>Grand Total</b>		1,703	841	15	2,559

**Caveats**

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- Air arrival movement records are from 1 July 2021 onwards only

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Source: Department of Home Affairs, 2023

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Figures are from a dynamic source and are subject to variations that may not align with other sources or reporting.

This information is provided for the specific purpose of this request. Any other use of the information provided will require consideration and clearance by the Department of Home Affairs.

Visa and Citizenship activity at 08 January 2024 by category and client location - citizenship declared is Israel

Visa Program	Visa Category	Visa Holders			Applications On-hand <sup>1</sup>			
		In Australia	Outside Australia	Visa holders total	In Australia	Residential country <sup>2</sup> IN ISRAEL	Residential country <sup>2</sup> OUTSIDE ISRAEL	On-hand total
Refugee and Humanitarian <sup>3</sup>	Offshore Humanitarian Humanitarian Permanent Humanitarian Temporary Temporary Safe Haven Temporary Protection s. 47F(1) of Status	s. 47F(1)				22		22
<b>Refugee and Humanitarian Total</b>		s. 47F(1)				22		22
Permanent	Family <sup>4</sup> Other Permanent Resident Return/ADV Skilled Special Eligibility	506 36 373 452 s. 47F(1)	110 s. 47F(1) 74 143	616 37 447 595 s. 47F(1)	63 s. 47F(1) 47	88 20	31 36	182 s. 47F(1) 103
<b>Permanent Total</b>		1,369	328	1,697	111	108	67	286
Temporary <sup>5</sup>	Bridging Crew and Transit Other Temporary Student Temporary Resident (Other Employment) Temporary Resident (Skilled Employment) Visitor Working Holiday Maker	93 s. 47F(1) 141 328 186 638 668	13 708 34 409 73 7,344 1,285	106 710 s. 47F(1) 175 737 259 7,982 1,953	25 s. 47F(1) s. 47F(1) 8 5 26	s. 47F(1) 9 105 32 s. 47F(1)	s. 47F(1) s. 47F(1) 8 32 s. 47F(1)	s. 47F(1) 9 s. 47F(1) 142 s. 47F(1)
<b>Temporary Total</b>		2,059	9,866	11,925	46	148	50	244
Citizenship <sup>6</sup>	Citizenship by Descent	s. 47F(1)			s. 47F(1)	18	s. 47F(1)	s. 47F(1)
<b>Citizenship Total</b>		s. 47F(1)			s. 47F(1)	18	s. 47F(1)	s. 47F(1)
<b>Total</b>		3,431	10,194	13,625	181	274	120	575

1. Visa applications on-hand include both primary and secondary applicants. One client may have multiple visa applications on-hand. An applicant may already hold a visa when they apply for another.
2. Departmental reporting on residential country is taken from the visa applicants' declared location. There may be other visa applicants in Israel, not known to the Department, who have not yet declared their location.
3. The majority of subclasses 785/790 applications listed are now deemed 851 Resolution of Status applications.
4. Family visa applications on-hand excludes Partner (Second Stage) visas, to remove duplicate counting.
5. Temporary visa programs excludes Criminal Justice visas.
6. Citizenship by descent on hand figures are provided by country of birth of the applicant.

Source: Department of Home Affairs, 2023

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Visa and Citizenship activity at 08 January 2024 by category and client location - citizenship declared is Palestinian

Visa Program	Visa Category	Visa Holders			Applications On-hand <sup>1</sup>			
		In Australia	Outside Australia	Visa holders total	In Australia	Outside Australia Residential country <sup>2</sup> IN PALESTINE	Residential country <sup>2</sup> OUTSIDE PALESTINE	On-hand total
Refugee and Humanitarian <sup>3</sup>	Offshore Humanitarian	121	s. 47F(1)	s. 47F(1)		s. 47F(1)	198	s. 47F(1)
	Humanitarian Permanent	12			99		5	104
	Humanitarian Temporary	39		39	s. 47F(1)			s. 47F(1)
	Temporary Safe Haven							
	Temporary Protection Resolution of Status	152	8	160	39	s. 47F(1)		39
<b>Refugee and Humanitarian Total</b>		<b>324</b>	<b>15</b>	<b>339</b>	<b>140</b>		<b>203</b>	<b>s. 47F(1)</b>
Permanent	Family <sup>4</sup>	186	50	236	9		43	
	Other Permanent							
	Resident Return/ADV	84	36	120	s. 47F(1)			
	Skilled	122	70	192			32	
<b>Permanent Total</b>	Special Eligibility	<b>392</b>	<b>156</b>	<b>548</b>	<b>13</b>	<b>5</b>	<b>75</b>	<b>93</b>
Temporary <sup>5</sup>	Bridging	96	s. 47F(1)	s. 47F(1)				
	Crew and Transit		16	16				
	Other Temporary							
	Student	100	15	115			12	s. 47F(1)
	Temporary Resident (Other Employment)	21	11	32			7	
	Temporary Resident (Skilled Employment)	30	7	37			6	6
<b>Temporary Total</b>	Visitor	<b>523</b>	<b>2,024</b>	<b>2,547</b>	<b>s. 47F(1)</b>	<b>6,293</b>	<b>295</b>	<b>s. 47F(1)</b>
Citizenship <sup>6</sup>	Citizenship by Descent				7	6,297	320	6,624
<b>Citizenship Total</b>								0
<b>Total</b>		<b>1,239</b>	<b>2,195</b>	<b>3,434</b>	<b>160</b>	<b>6,306</b>	<b>598</b>	<b>7,064</b>

1. Visa applications on-hand include both primary and secondary applicants. One client may have multiple visa applications on-hand. An applicant may already hold a visa when they apply for another.

2. Departmental reporting on residential country is taken from the visa applicants' declared location. There may be other visa applicants in Palestine Authority, not known to the Department, who have not yet declared their location.

3. The majority of subclasses 785/790 applications listed are now deemed 851 Resolution of Status applications.

4. Family visa applications on-hand excludes Partner (Second Stage) visas, to remove duplicate counting.

5. Temporary visa programs excludes Criminal Justice visas.

6. Citizenship by descent on hand figures are provided by country of birth of the applicant.