



Fact Sheet

Advance Passenger Processing Infringement Regime

June 2009

- What** **What is the Advance Passenger Processing (APP) Infringement Regime?**
- Operators who do not meet the APP reporting obligations commit an offence under Section 245N of the *Migration Act 1958*
 - A separate offence is committed for each individual passenger or crew member who is not reported via APP
 - An infringement notice may be issued to the aircraft operator for each offence
 - The fine is AUD 1,100 for each offence.
- Why** **Why an Infringement Regime?**
- Ensure compliance with the reporting requirements
 - Enhance Australia's border security
 - Reduce airlines' exposure to fines for 'inadequately documented passengers'.
- Is this the same as the fine for inadequately documented passengers?**
- No. Airlines may be liable for two different fines: (1) for failing to report passengers and crew via APP; and (2) for the carriage of 'inadequately documented passengers'.
 - Airlines that carry an inadequately documented person to Australia commit an offence under Section 229 of the *Migration Act 1958*. The fine is AUD 5,000.
 - If an airline carries an inadequately documented person to Australia and also fails to report them via APP, the airline may face two different fines (totalling AUD 6,100).
- When** **When will the APP Infringement Regime commence?**
- The Regime commences on Wednesday, 1 July 2009.
- How** **Infringement notices**
- A threshold rate of 99.8 per cent applies.
 - The compliance rate for the previous month is used to determine if any infringements will be issued. Therefore, an airline's compliance rate for the month of June 2009 will be used to determine if any infringements should be issued for passengers or crew that have not had an APP check done in the month of July 2009.
 - Airlines that **achieve a compliance rate of 99.8 per cent or higher** for the month of June will not receive any infringement notices regardless of the number of people not reported through the APP system for the month of July.

- Airlines that **do not achieve the threshold rate of 99.8 per cent** will receive a show cause letter setting out the individual particulars within five days of the alleged breach in reporting requirements. Airlines can provide supporting information to the department to justify why an infringement notice should not be issued. Infringement notices will be issued in bulk in the following month. Airlines then have 28 days from receipt of the infringement notice to make payment.
- The threshold rate will be reviewed periodically, aiming for 100 per cent compliance over time. Airlines will be advised when and if the threshold rate is varied.

Who

APP Support

provides assistance on APP processing issues during Canberra business hours

- Email (infringements) airs@immi.gov.au
- Email (general APP) appwebsite@immi.gov.au
- Phone +61 2 6223 8291
- Fax +61 2 6198 7436