

MIGRATION AND MOBILITY PARTNERSHIP ARRANGEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDIA

AND

THE GOVERNMENT OF AUSTRALIA

The Government of Australia, represented by the Department of Home Affairs (incorporating its operational arm, the Australian Border Force), and Government of the Republic of India, represented by the Ministry of External Affairs, hereinafter collectively referred to as the "Participants", desiring to:

- **reflect** the commitment to heightened bilateral cooperation encapsulated in the Joint Statement on a Comprehensive Strategic Partnership between the Republic of India and Australia dated 4 June 2020;
- **recognise** the close, longstanding and historical bonds of friendship between the two countries, and to further strengthen the economic and people-to-people ties between our countries;
- **acknowledge** the growing number of Indian nationals seeking to study and work in Australia, and convinced that such human exchanges and mobility help to bring people together and that their management in partnership is a factor of economic, social and cultural importance for both countries;
- **strengthen** and **expand** cooperation in the field of mobility and migration, with a view to encouraging the legal and orderly movement of visitors, students, working professionals, business people, academics and researchers between the two countries, while also advancing cooperation on irregular migration and the return of unlawful non-citizens as an essential component of maintaining an open and welcoming approach to mobility and migration over the longer term;
- **cooperate** to prevent and combat irregular migration and people smuggling;
- **respect** the rights and guarantees set forth in the applicable

domestic laws of the Participants and their international commitments;

have reached the following understanding:

Purpose and Scope

1. This Arrangement aims to further strengthen co-operation between Australia and India in the following areas, in a manner consistent with their applicable domestic laws, regulations, policies and international obligations:
 - a) The facilitation of mobility of visitors, business people, students, academics, researchers, skilled workers and professionals
 - b) The prevention of irregular migration and combating people smuggling.

Short-stay temporary visas to facilitate mobility

2. In order to continue to encourage movement between the two countries for regular short stays by persons, the Participants undertake, in accordance with their applicable domestic laws, regulations, policies and international obligations, to facilitate the issuance of short-stay, temporary visas to the other Participant's nationals who hold a valid passport, belonging in particular to one of the categories listed below.
 - a) Australia may issue short-stay temporary Visitor visas to Indian nationals travelling to Australia for family or business purposes for a stay period of up to three months, including family visits to Indian student and temporary worker visa holders in Australia. Business visitor visas may be valid for up to five years.

- b) Australia may also issue short-stay temporary visas to specialists¹ who possess skills needed in Australia, and academics visiting to engage in work of short duration that is non-ongoing for up to six months.
- c) For Australian nationals wishing to visit India for business purposes, in accordance with the extant rules, the appropriate category of visa allows for stays of six months on each visit and is valid for one to five years according to the purpose of the travel, the duration of the planned activities in the host State and the validity of the passport.
- d) Australian nationals travelling to India on a visa referred to in paragraph 2.c with a validity of up to 180 days are not required to complete any registration formality on their arrival in the host State. In cases where their stay will extend beyond 180 days, registration will be required within 14 days of arrival.

Mobility of students

- 3. It is a priority for the Participants to facilitate the arrival of students from the other Participant's country who wish to continue their studies in the host State and who are enrolled in a course of study at a registered education institution.
- 4. Australia may issue a multiple-entry Student visa, valid for the duration of the applicant's studies or for a maximum period of five years (whichever is earlier), to Indian nationals who are enrolled to study with a registered higher or vocational education provider in

¹ "Specialists" refers to applicants with specialised skills, knowledge or experience that cannot be reasonably found in the Australian labour market and can assist Australian business. The applicant's engagement in the work must be non-ongoing, and excludes employment in the Australian entertainment industry.

Australia, and who meet all requirements for the grant of such a visa under the existing laws and regulations. The Student visa will allow the primary visa holder and any dependent visa holders to work in Australia for a maximum number of working hours as set out under and subject to applicable laws and regulations. Where the student is studying a masters or doctoral degree, any dependent visa holders will be permitted to work without limitation subject to relevant laws and regulations.

5. India may issue Australian nationals with a student visa, subject to extant procedures. The visa will be valid for the duration of their studies or up to a maximum period of five years, whichever is less, subject to meeting all requirements. The spouses and minor children of primary visa holders may be granted a dependent visa of appropriate sub-category valid for a period that is co-terminus to that of the primary visa holder.
6. Australia will raise awareness of Australian study opportunities and prepare Indian students for life in Australia through information sessions, personalised online information and digital resources.

Graduates

7. Indian graduates from Australian tertiary institutions who have held a student visa in Australia and are wishing to supplement their learning with initial professional experience in Australia may apply to remain to work and pursue professional development without visa sponsorship for up to eight years (from 1 July 2023), depending on the level of tertiary qualifications they have completed in Australia and the area of their studies. This will be subject to the graduate obtaining and maintaining a visa for this purpose.

8. Indian graduates may seek to remain in Australia beyond this period by applying for another visa permitting temporary or permanent residence for skilled employment purposes, in accordance with Australia's domestic laws and regulations.

Researchers and academics

9. The Participants undertake to encourage the mobility of researchers and doctoral students for purpose of work and study.
10. For Indian nationals wishing to carry out university-level research in a tertiary research or teaching institution in Australia under an approved sponsorship arrangement, Australia may facilitate the issuance of a Temporary Activity visa valid for up to two years to enable their research activities in accordance with the applicable domestic law of Australia. Visa holders will have the option to apply for a further visa to enable a further stay if required.
11. Indian academics may also be eligible for a range of skilled migration programs designed for those wishing to teach under an approved sponsorship of a tertiary teaching institution.
12. For Australian nationals wishing to carry out research in a public or private research or higher education institutions in India under a hosting arrangement, India may issue an S-5 visa for a period of 3 years or the duration of the research project, whichever is earlier.
13. For Australian nationals wishing to teach at a public or private institution in India, they may be issued an employment visa.

Immigration for professional and economic reasons

14. The Participants will encourage the mobility of nationals for

professional and economic reasons between Participant countries. The Participants will keep each other informed of the conditions for entry, stay and opportunities for skilled work in their respective countries.

15. Participants will ensure the nationals of the other Participant are afforded all applicable terms and conditions of employment under the Workplace Law and other applicable laws and regulations of the host jurisdiction.
16. Australia may issue Training visas for individuals to complete a workplace-based training to improve skills for current occupation, area of study or field of expertise, or a professional development training program, in accordance with its existing domestic laws and regulations.
17. Australia may issue temporary or permanent skilled visas to enable individuals to work in a nominated occupation in accordance with its existing domestic laws.

Mobility Arrangement for Talented Early-professionals Scheme (MATES)

18. Australia undertakes to facilitate the mobility of graduate and early-career professionals from identified sectors through the development of a Mobility Arrangement for Talented Early-professionals Scheme (MATES), the terms of which are set out in Annex A to this Arrangement.² Annexures to this Arrangement will be an integral part of this Arrangement.
19. The Participants will work together to develop an Implementation

² The annex that sets out the terms of MATES will ultimately be incorporated into the Australia-India Comprehensive Economic Cooperation Agreement.

Protocol to support the implementation of MATES.

20. The Implementation Protocol will reflect the Participants' shared commitment to fairness, equity and diverse participation in the Scheme, whilst maintaining integrity and high quality outcomes. This will include identifying eligible universities from across India that offer quality courses in the identified sectors, and jointly determining an approach to monitoring and evaluation of the Scheme.

Cooperation to prevent and respond to irregular migration

21. Both Participants will cooperate to promote safe, orderly and regular migration of their citizens.
22. The Participants will engage constructively to reduce irregular migration and facilitate the re-admission of their nationals who do not meet or no longer meet the provisions for legal entry into or legal residency to remain in the territory of the other Participant's country, as set out in the provisions contained in Annex B to this Arrangement.
23. Additionally, the Participants jointly determine to cooperate to combat people smuggling and human trafficking in accordance with the applicable domestic laws of the Participants and their international obligations.

Migration and Mobility Partnership Arrangement Joint Working Group

24. The Participants will create a Migration and Mobility Partnership Arrangement Joint Working Group comprising of representatives of both Participants.
25. The Joint Working Group will share relevant information, evaluate the

implementation of the provisions set forth in this Arrangement and discuss all appropriate proposals to support implementation as necessary.

26. The Joint Working Group will form thematic sub-groups to focus collaboration on specific themes such as mobility, returns and combating irregular migration.
27. The Mobility sub-group established under this Arrangement will support the implementation of MATES and provide recommendations to the Joint Working Group based on best practice, and current and anticipated migration trends that will assist in review and improvement of the Scheme.
28. The Joint Working Group and its sub-groups will meet bi-annually, or as necessary at the request of either Participant. The Joint Working Group will meet alternately in each of the Participants' countries. Delegations will be led by a senior representative of each Participant.
29. The agenda and the composition of the Joint Working Group and its sub-groups will be set for each meeting by mutual consultation.

Exchange and use of information

30. The Participants may exchange information for the purposes of this Arrangement. The disclosure of information pursuant to this Arrangement will be in accordance with the domestic laws, regulations, policy and international legal obligations relating to the disclosure of such information in the country of the Participant providing such information.
31. The Participants undertake not to use or further disclose the information provided under this Arrangement except in accordance with this Arrangement for the purpose specified in paragraph 1 or

otherwise as required or authorised by law.

Difficulties regarding the interpretation and application of the Arrangement

32. Any difficulties relating to the interpretation or application of this Arrangement will be discussed within the Joint Working Group referred to in paragraphs 24 to 29, or otherwise through diplomatic channels. Differences arising over the interpretation or application of the terms of this Arrangement will not be referred to any tribunal or third party for resolution.

Duration, Termination and Amendment of the Arrangement

33. This Arrangement will come into effect on the date it has been signed on behalf of the Participants and remain in effect for four years after its commencement date.
34. This Arrangement may be terminated in writing by either Participant subject to three months prior notice served through diplomatic channels.
35. Unless terminated by any Participant, in accordance with paragraph 34, the Arrangement will be automatically renewed for a similar successive period.
36. This Arrangement, including annexures, may be amended at any time by the mutual written consent of the Participants.
37. This Arrangement represents the understanding reached between the Participants and does not create any binding rights or obligations. This Arrangement will be implemented subject to, and in accordance with, the Participants' domestic laws, regulations, policies and

international obligations, respectively.

Signed at Sydney, Australia, on 23 May 2023, in two originals, each in English and Hindi, both texts being equally valid. In case of divergence in interpretation, the English text will prevail.

FOR THE GOVERNMENT OF THE
REPUBLIC OF INDIA



Manpreet Vohra

High Commissioner to Australia

FOR THE GOVERNMENT OF
AUSTRALIA



Barry O'Farrell

High Commissioner to India

ANNEX A
TO
MIGRATION AND MOBILITY PARTNERSHIP ARRANGEMENT
BETWEEN
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Mobility Arrangement for Talented Early-professionals Scheme
(MATES)

Purpose

1. This Annex sets out the details of the Australia-India Mobility Arrangement for Talented Early-professionals Scheme (hereinafter referred to as "the Scheme") as outlined in paragraph 18 of this Arrangement.
2. The Scheme provides eligible Indian university graduates and early-career professionals (with less than two years of relevant work experience) the opportunity to live and work in Australia without sponsorship for up to a maximum period of 24 months.
3. The MATES Scheme is a streamlined temporary mobility offering designed to allow Indian graduates and young professionals, who would not otherwise be eligible for an Australian skilled work visa, to access employment and training opportunities in Australia.

Eligibility

4. To be eligible for the Scheme, applicants must:

- a) Be below the age of 30 (inclusive) at the time of application;
- b) Not have previously taken part in the Scheme;
- c) Have proficient English language skills (overall IELTS or equivalent score of at least 6, with a minimum score of 5 for each of the four parts);
- d) Hold an appropriate educational qualification (bachelor degree or higher qualification awarded within two years of the application being lodged) specialising in areas such as renewable energy; mining; engineering; ICT and artificial intelligence; FinTech; AgriTech; and other areas mutually identified through the Joint Working Group established under paragraphs 24-27 of this Arrangement.

Caps

- 5. The Scheme will commence as a pilot with an annual cap of 3000 places for primary applicants.
- 6. The cap will be regularly reviewed by the Joint Working Group with reference to ongoing evaluation of the Scheme and the implementation of other provisions set forth in this Arrangement.
- 7. Dependent visa holders will not count towards the annual cap, and will have unlimited work rights in Australia.

Entry and Stay

- 8. Visa holders will have up to 12 months to make their first entry to Australia from the date of visa grant, and may stay in Australia for up to

24 months from the date of first entry.

9. The participants of the Scheme may seek to remain in Australia beyond this period by applying for another visa permitting temporary or permanent residence for skilled employment purposes, in accordance with Australia's domestic laws and regulations.

Implementation and Review

10. The Participants will develop an implementation protocol to define the modalities of the Scheme in further detail through the Joint Working Group. The implementation protocol will be designed to ensure diversity, fairness and equity of access to the Scheme, while also supporting its integrity.
11. The government authorities responsible for implementation of the Scheme outlined in this Annex will be:
 - For Australia: the Department of Home Affairs
 - For India: the Ministry of External Affairs
12. Changes or amendments to this Annex will be mutually decided by competent authorities from both Participants.

ANNEX B
TO
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Return of Nationals in an Irregular Situation

General provisions

1. The Participants will work together constructively on returns arrangements that will support the overall migration partnership. This will include deepening cooperation and the exchange of best practice, and working cooperatively to identify and address operational, legal or policy obstacles to improve returns cooperation.
2. Each Participant will admit to its territory, at the request of the other Participant, any national of the Participant who has no lawful basis to be in the territory of the other Participant, where it is conclusively verified that the person is a national of their country, in accordance with the Participants' applicable domestic laws, regulations, policies and international obligations.
3. Both participants will promote the voluntary returns of the nationals of the other Participant who are unlawfully staying in the territory of the other Participant and are subject to return.
4. If the person irregularly staying in the territory of one Participant

refuses voluntary return, the Requesting Participant, in accordance with applicable laws, will resort to forced returns on a case-by-case basis after verification of the nationality of the person by the Requested Participant, except in the case where the potential returnee is in possession of a valid passport. In these cases, the Participant effecting the return will inform relevant authorities of the Receiving Participant in advance of the involuntary return.

5. In cases where a new travel document is required to facilitate a return, the Participants will complete the process of verification of a national's identity and subsequent issuing of any travel document in a timeframe that is swift and reasonable, taking account of the individual circumstances in each case. The Participants will work together to enable identity and nationality verification where the evidence submitted needs further enhancing, including through the use of biometric data and identity interviews wherever possible and where reasonably practicable and consistent with their applicable domestic laws, regulations, policies and international obligations.

Returns – Process of Request of re-admission - Verification of Identity

6. In order to verify the nationality of a person being returned who is unlawfully in either Participant's territory, the requesting Participant will submit evidence that will include a copy of the person's passport where one is available.
7. In such cases, the requested Participant will use best endeavours to communicate if the nationality of the person is conclusively established to its satisfaction within a swift and reasonable timeframe.
8. In cases where a passport copy is not available, a combination of other

identity documents such as those listed in paragraph 18 may be used to verify the nationality of the person as soon as reasonably practicable.

9. In the absence of any of the documentation listed in paragraph 18 to support the identity verification process, the requested Participant will take all reasonable steps to confirm the nationality of the person being returned through alternative means, including through the use of biometric data and/or information collected through identity verification interviews wherever possible and where reasonably practicable and consistent with the Participant's applicable domestic laws, regulations, policies and international obligations.
10. Where the requested Participant is unable to verify the nationality of a person and does not accept a request for repatriation on this basis, it will share the relevant reasons with the requesting Participant. The decision of the requested Participant is final, but it may decide to consider any reasonable request to review its decision, where the requesting Participant has new evidence or considers there has been a misunderstanding of the evidence.

**Issuance of Indian Travel Documents where re-admission is
accepted**

11. Where India has verified the Indian nationality and right of re-entry of a person on Australia's request, it will issue an Emergency Travel Document (ETD) within five working days.
12. ETDs issued by India under this Arrangement will be valid for six months and Australia will take all reasonable steps to return the person using the ETD provided, before its expiry. If that is not possible due to reasons beyond the immediate control of Australian implementing

authorities, such as fresh legal proceedings, refusal to comply or absconding, India will issue a new ETD, provided there is no reason to suppose that the circumstances of the person have changed.

Miscellaneous provisions

13. Where Australia has evidence that an Indian national is unlawfully present in Australia, and is the parent of a minor child born in Australia but whose birth has not been registered with the relevant Indian diplomatic mission, India will accept an Australian birth certificate as evidence for securing an ETD for the child only if the nationality of both the parents as Indian nationals and their relationship with the child is conclusively established. Any action under this provision would be without prejudice to any legal option available to the child or to its parents. Minor child means a child who has not attained the age of 18 years on the date of submission of the request by the Requesting Participant.
14. The Participants will work cooperatively to facilitate returns either through scheduled or non-scheduled flights, when requested by either Participant.
15. The requesting Participant will cover the costs associated with the return.
16. The Participants will issue necessary visas to persons required to escort persons subject to a return to either Australia or India within a swift and reasonable period of time, subject to relevant domestic laws.
17. The Participants will use e-mail or any other modern medium allowing the fastest possible data transmission for communication between competent authorities involved in return procedures.

Practical Details Regarding the Return Procedure

18.For identity verification purposes, the following documents, in original or photocopy form, subject to their authenticity, may be used to support identity and nationality verification processes:

- a) a national identity card;
- b) a positive response to a return application from less than one year ago;
- c) a certificate of nationality or citizenship;
- d) where relevant, an international travel document issued by the Indian authorities;
- e) a certificate of naturalisation or of restoration of nationality;
- f) a military passbook;
- g) a seaman's discharge book or seafarer's identity document issued under the Geneva Convention of 19 June 2003 and the London Convention of 9 April 1965.
- h) any government document bearing a photograph and stating or clearly indicating the citizenship.
- i) an official document stating the identity or the nationality of the person concerned;
- j) a driving licence;
- k) a birth certificate;
- l) a statement obtained from the concerned person by the judicial or administrative authorities of the requesting Participant.

19.The list of documents set out in paragraph 18 may be subject to amendments, after consultation, through an exchange of diplomatic notes.

20.If either of the Participants deems it necessary for a travel document application to be laid out in a particular manner, it will inform the other Participant beforehand through diplomatic channels.

21.Where required, the date, time, and other return arrangements will be mutually decided between the Participants competent authorities and sent via e-mail or any other modern medium allowing the fastest possible data transmission.

22.The Participants' competent authorities will use their national official language(s) when implementing the return procedure and, where applicable and by mutual decision, another language of their choice.