

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 November 2013

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE13/0115) PROGRAMME – 2.1: Refugee and Humanitarian Assistance

Senator Hanson-Young (Written) asked:

How are determinations made on whether to screen an individual in or out? What is the individual told about their status? How does this process differ from the Enhanced Screening of people from Sri Lanka or Vietnam? Please detail the specific information that is given to asylum seekers regarding their rights?

Answer:

Determinations whether to screen an individual in or out are made by a senior officer who considers information provided by an individual about their reasons for coming to Australia and reasons why they cannot be removed. If the information provided warrants further consideration through a protection status determination, the individual is screened in. If not, the individual is screened out.

IMAs who are screened in are told that their claims will need to be considered further through a formal protection status determination (for pre 19 July arrivals). IMAs who are screened out are told that no reasons were found to allow them to stay in Australia and that they will be removed.

All IMAs who arrive in Australia without a valid visa and seek Australia's protection are subject to screening. Enhanced screening has only been applied to Sri Lankan IMAs. Vietnamese IMAs are not screened under enhanced screening processes, but undergo the IMA entry screening process. The main difference between these processes is that the enhanced screening interview is conducted by officers trained in assessing Australia's protection obligations.

IMAs are advised that they do not have an automatic right to remain in Australia and that they are being interviewed to collect information about their reasons for travel. They are advised that the information they provide will be used to make a decision about whether they can be returned to their home country. Where a person requests access to independent legal advice, access is facilitated in accordance with section 256 of the *Migration Act 1958*.