

Questions on notice for Department of Immigration and Australian Citizenship (DIAC)

Strategic goal

Q1. AusAID has identified 6 strategic goals for its assistance to Afghanistan 2011–2012—Sustainable Economic Development (32%); Effective Governance (24%); cross cutting support to multi-sector Afghan national programs (15%); promoting opportunities for all (11%); humanitarian and disaster response (13%) and saving lives (5%) (submission 16, p. 23).

- What are DIAC's strategic goals in Afghanistan?
- How do they complement AusAID's goals?
- How do they fit in with Australia's whole-of-government effort in Afghanistan?

DIAC's has five major strategic priorities in Afghanistan:

1. Working with Afghanistan and other regional Governments to counter people smuggling operations and prevent Afghans from risking their lives by taking dangerous boat journeys to Australia;
2. Building the capacity of Afghan counterpart agencies in effective migration and border management processes to prevent irregular people movement;
3. Building livelihood opportunities in Afghanistan to reduce the displacement of people, and to act as an incentive for Afghans found not to be owed protection, to return voluntarily to Afghanistan through projects implemented under our Displaced Persons Program (DPP);
4. Assisting the repatriation of displaced Afghans living in Iran and Pakistan, and providing basic assistance to those in these countries who are unable to return to Afghanistan; and
5. Promptly and humanely returning Afghan nationals not owed Australia's protection to Afghanistan, including the involuntarily return of those not owed protection and having no lawful right to remain in Australia. DIAC believes it is important to effect involuntary returns to Afghanistan to send a strong message to people smugglers and those considering the use of their services to enter Australia illegally, and to maintain the integrity of the international protection regime.

As such, DIAC's work in Afghanistan links into and complements AusAID's goals of effective governance and humanitarian response. As Afghanistan continues to improve its governance, DIAC is working to assist the development of Afghanistan's migration management and border security capacities in coordination with the international community. DIAC's Displaced Persons Program also funds a number of

projects in Afghanistan, and countries where there are significant numbers of displaced Afghans such as Pakistan and Iran, aimed at stabilising displaced Afghan populations and providing support to those returning to Afghanistan.

DIAC's work in Afghanistan is in line with Australia's whole-of-government objective as stated by the Prime Minister – to build the capacity of the Afghan state to assume responsibility for its own security and prevent the country again becoming a safe haven for international terrorists to recruit, train and plot attacks on Australia and its allies, by focusing on Afghan stability and security through strengthening governance, building capacity and promoting reintegration.

Q2. In its submission, DIAC informed the committee that it had committed AUD 5.9 million, over the 2011–12 and 2012–13 Financial Years to fund Phase III of the Afghan Passport Issuance System/Afghan Visa Issuance Systems (submission 9, p. 4)

- Who will fund the training of operators, the operation and maintenance of the systems?

DIAC is working with the Afghan Ministry of Foreign Affairs and Afghan Ministry of Interior to strengthen their border management capability and to improve the efficiency and technical processes of the Afghan passport issuing system to facilitate movement in and out of Afghanistan. At the conclusion of this project, Afghan passports will incorporate higher integrity measures, thereby meeting International Civil Aviation Organization (ICAO) recommended standards.

While DIAC will continue to provide support and training in the operation and maintenance of the systems throughout Phase III, we are looking to the Afghan Government to assume greater autonomy as the project moves to completion.

In addition, DIAC technical training programs will continue to provide supplementary support through document examination, facial image comparison and intelligence analysis training.

AliceGhan

Q3. As part of its resettlement program in Afghanistan, DIAC commenced a project in September 2006 to build accommodation for refugees. Named AliceGhan, the settlement sought to provide housing, public services and infrastructure for vulnerable returnee families.¹ In 2009 a UNDP report noted that the project had encountered several difficulties—setbacks in the identification of an appropriate site, mine clearance, resolution of a dispute over land ownership which resulted in prolonged delays to the commencement of project activities and water supply problems.²

- Could you explain the significance of these problems and why they were not anticipated before the project received funding approval?

Q4. According to one observer, Mr Nassim Majidi, the Aliceghan project provided an example of ineffective planning on a land allocation scheme. In his assessment, the project foundered mainly because of

- distance: a poor location too far from work in Kabul,
 - lack of opportunities: a proper feasibility study was not done in AliceGhan, and
 - lack of basic infrastructure: inappropriate housing designs and a failure to secure running water which naturally affects well-being, health and learning potentials for children of schoolage.³
- Could you respond to this criticism?

AliceGhan is an official re-settlement community for Afghan returnees from Pakistan and Iran. It is situated approximately 50 km to the north of Kabul city. The site was selected by the Government of Afghanistan in 2005 under their resettlement policy and the project was designed through a partnership between the government and the UNDP in 2006.

The location for AliceGhan was determined in close consultation with and on recommendation by the Afghan Government. The site was selected on the basis that:

- it would provide accommodation for a greater number of returnees and would be able to be implemented more quickly than other potential locations;
- the land was vacant and owned by the Afghan Government;

1 United Nations Development Programme, Afghanistan, ALICEGHAN, 2nd Quarter Project Progress Report, 2009.

2 United Nations Development Programme, Afghanistan, ALICEGHAN, 2nd Quarter Project Progress Report, 2009.

3 Nassim Majidi, Urban Returnees and Internally Displaced Persons in Afghanistan, Middle East Institute, January 2011, p. 11.

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- there was more access to water than other sites and the land was level; and
 - it was believed that 30 000 families wanted to build there.

The community build model of housing delivery was consistent with local standards of housing delivery and with similar projects successfully undertaken by other donors and international organisations in the region (eg. the US-funded Barikab settlement).

In 2008, a dispute between the Afghan Government and the Qarabagh Shura (local council) unfolded over land intended for the permanent water supply infrastructure for the AliceGhan settlement. This was unexpected as DIAC had proceeded with the project on the assurances of the Afghan Government that it owned the land required for AliceGhan. In July 2010, UNDP provided DIAC with a copy of a signed MoU agreement resolving the land dispute between the Qarabagh Shura and Government (Kabul Governor).

On the issue of water supply, DIAC was advised by UNDP in September 2007 that progress was being made on water course construction, with two permanent water sources determined. A temporary well was also being established for drinking purposes.

DIAC was then advised that there was no permanent water supply at the site, however, water would be transported from an alternative nearby site via pump. The Afghan Government was confident there was water available at the alternative site. Since 2009, water has been accessed from a small temporary well and transported to water tanks at the settlement via tanker. The pumping station and tanker are being donated by DIAC to the Afghan Ministry of Refugees and Repatriation, along with additional funds for their continued maintenance until the permanent water supply is resolved.

DIAC's Principal Migration Officer in Kabul has engaged closely with the Afghan authorities and the UNDP in working towards a viable permanent water infrastructure solution. A potential well site has been located near the AliceGhan settlement and water potability and reliability testing is currently being undertaken by UNDP to determine its viability.

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Q5. CHAIR: How well is Afghanistan coping with internal displacement, and what is your feeling about the fact that having such a high number of internally displaced people must mean there are leakages to the flow of refugees to Australia?

Ms Larkins: I think we will take that on notice so we can give you a better—

CHAIR: Are you sure?

Ms Larkins: We do not have the specific details with us.

The Government of Afghanistan has been proactive in addressing the large numbers of Afghan internally displaced persons, refugees, returning refugees and asylum seekers in Afghanistan and the neighbouring countries of Pakistan and Iran. Together with the UNHCR and the governments of Iran and Pakistan, the Afghan Government has developed a multi-year regional Solutions Strategy for Afghan refugees and returnees in the region for 2012-2014. The Strategy outlines a multilateral framework for coordinating donor assistance to Afghan refugees and displaced persons in Afghanistan, Iran and Pakistan by focusing on building sustainable livelihoods, encouraging voluntary repatriation and preserving asylum space funded through current contributions.

Australia has given its in-principle support to the Strategy and endorsed the joint Communiqué at the Geneva conference on the Solutions Strategy in May 2012. In particular, the Australian Government has welcomed the Afghan Workplan under the Strategy, believing that it specifies reasonable aims and is clear on the constraints facing implementation (eg. the ongoing security challenges, the need to strengthen governance, and the effective mobilisation and coordination of donor support and resources).

Although many Afghan IMAs in Australia began their irregular migration journey as internally displaced persons in Afghanistan, many have complicated migration histories. A link between recent displacement in Afghanistan and arrival by boat in Australia may apply to some Afghan IMAs. However, indications are that many of the Afghan caseload arriving in Australia by maritime means originated in Iran and Pakistan, where in many cases they have lived for years after fleeing Afghanistan during periods of insecurity. Economic and security conditions in host countries such as Iran and Pakistan, as well as Afghanistan, can be factors influencing onward migration decisions.

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Q6. Senator RHIANNON: ...Could you detail your understanding of what has happened to asylum seekers who have been returned to Afghanistan. Specifically, I have two questions: what support do you give to Afghans who are returned from Australia who were not granted refugee status; and, if you hear that people returned from Australia are tortured, suffer in some way or are killed, what action does DIAC take?

Ms Larkins: The first part of your question I think it is best for us to take on notice.

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Q7. Senator RHIANNON: If you hear that somebody has been tortured, has suffered in some way or has been killed, does DIAC take some action? Do you investigate? Do you pass information back to Australia?

Ms Larkins: I think we have to take that on notice. We just do not have any information here.

Where a client seeks voluntary return or removal from Australia, the International Organization for Migration (IOM) is able to provide those clients with an Individual Reintegration Assistance package to assist them with sustainable reintegration back into Afghanistan. The package is to a maximum of USD4000, which includes a cash component as well as in-kind assistance such as accommodation, vocational skill training or set up of a small business.

Where a client does not cooperate with the department and is involuntarily removed from Australia, their post-arrival care needs will be assessed by the department and they will be provided with assistance to meet their arrival needs, such as transportation from the airport and accommodation. Involuntary returnees will also have access to post-arrival (reintegration) assistance through IOM on arrival in Kabul. Due to the involuntary nature of the returns, IOM cannot engage with clients prior to departure and the client will have to present themselves to the IOM Office at Kabul airport on arrival. The package is to a maximum of USD2000 with up to USD700 in cash and the remainder as in-kind assistance.

In addition, the Australian Government has a Memorandum of Understanding (MoU) with Afghanistan and the United Nations High Commissioner for Refugees (UNHCR) to facilitate the return of Afghan nationals to their homeland. Under this MoU, Australia has agreed to provide funding for projects to support sustainable livelihood activities, vocational skills training and employment generation, as well as providing support for those voluntarily returning to Afghanistan.

In relation to investigating claims of clients being tortured or killed after arrival in Afghanistan, Australia is bound by the customary international law principle of non-interference in the internal affairs of other sovereign states. Australia's consular

obligations and entitlements under international law do not extend to monitoring the welfare of non-nationals offshore.

Respect for State sovereignty is a basic principle of international law. Australia is party to the Vienna Conventions on Diplomatic and Consular Relations, which imposes a duty on consular officers not to interfere in the internal affairs of a State. Monitoring could be seen as infringing on the sovereignty of that State.

It is not general international practice for countries returning failed asylum seekers to their country of origin to monitor those individuals after their arrival. Monitoring would be intrusive and could draw unwelcome attention to the people concerned, as well as for people they associate with, and those engaged in the monitoring.

However, the Australian Government remains deeply concerned about any allegation of mistreatment or human rights violations which may have occurred after a person has returned to their home country. Although it is not general practice for Australia to actively monitor returned asylum seekers, any reports of harm befalling individuals following their return are taken seriously and investigated.

In addition, under the MoU mentioned earlier between Australia, Afghanistan and the UNHCR, the UNHCR has agreed to engage in ad-hoc monitoring of the return of Afghans from Australia to Afghanistan, with particular attention to persons with specific humanitarian needs.

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Q8. Senator RHIANNON: On the issue of the ODA funds, the government has agreed with the recommendation of the independent review that a three-tiered reporting system should be adopted by all Australian government departments and agencies in relation to their use of ODA funds. Have you adopted that approach, particularly with regard to your ODA money in Afghanistan?

Mr Schiwy: I am advised that we are currently working on that new system. We have our own internal system at this stage.

Senator RHIANNON: So it has not been implemented yet. When do you expect it will be implemented?

Mr Schiwy: I would have to get that detail to you. I will take it on notice.

DIAC is committed to implementing AusAID's three-tiered approach to assessing the effectiveness of aid projects in Afghanistan, and awaits advice from AusAID on appropriate timeframes for implementation.

REVISED ANSWER (MARCH 2013):

DIAC is committed to implementing AusAID's three-tiered approach to assessing the effectiveness of aid projects in Afghanistan. For 2011-12, DIAC provided input into the whole-of-government Annual Review of Aid Effectiveness, which incorporates the Government's three-tiered reporting framework.

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Q9. Senator RHIANNON: So, if that is handled in that way, how does DIAC monitor and evaluate the effectiveness of its ODA in Afghanistan?

Mr Schiwy: Each funding agreement incorporates reporting requirements. We have objectives and milestones, if you like, and we will pay as those milestones and objectives are reached.

Senator RHIANNON: Could you provide more details about those reporting requirements? How often is the reporting made? Could you tell me something about your benchmarks? Just how does it work?

Mr Schiwy: We certainly could get that information to you.

Ms Larkins: It would depend on the funding agreements but, broadly, there would be a quarterly or six-monthly reporting requirement against performance indicators or key milestones. But we can give you some more information on that.

Senator RHIANNON: Okay, if you could take that on notice.

Afghanistan is an extremely challenging country in which to deliver development and capacity building projects, given the legacy of decades of conflict that has compounded the extremely poor levels of development of Afghanistan's institutions and its human and physical infrastructure.

Every project that DIAC undertakes in Afghanistan is encompassed by a comprehensive funding agreement outlining stringent reporting requirements and milestone activities for each project. Depending on the length of the project, reports are required at three monthly, six monthly or yearly intervals, which detail the progress of the project against the objectives and activities outlined in the funding agreement.

DIAC's Official Development Assistance (ODA) funded projects in Afghanistan are also developed using a phased model, which requires implementation partners to adequately deliver set milestones and associated reporting requirements to DIAC's satisfaction before we are committed to funding any further activities associated with the project in future phases.

In addition, all of DIAC's ODA funded projects are closely monitored in Afghanistan by the Principal Migration Officer in Kabul, who liaises with the Afghanistan Government and in-country implementation partners to ensure the efficiency and effectiveness of the projects.

These safeguards ensure that DIAC maintains close oversight of all projects in Afghanistan, and that risk mitigation, value for money and delivery of key activities are all efficiently achieved.

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Q10. Senator RHIANNON: No, I was not asking about the contracts. It was about the reporting and the accountability. That is what I was asking about. That is why I was surprised that none of that information is publicly available, particularly as you are giving money to other agencies, NGOs, multilateral agencies. How are we ensuring that Australian money is being spent in a way that we understand it should be?

Mr Schiwy: The money is provided for particular objectives. As I said, we have a reporting system. We pay to milestones and ensure the objectives are reached to effect payments.

Senator RHIANNON: So it is not publicly available. Do you provide these reports to AusAID and DFAT?

Ms Larkins: I think we are probably talking about a different level of granularity. We could come back to you with the detail of what we report on, but we certainly do report on what we are investing, who we are contracting with and our broad progress and achievements. We are certainly reporting at that level. You might be looking for a greater level of detail in those reports. I think the best thing for us to do is take it on notice and come back to you with what we currently do.

DIAC provides an overview of our engagement programs in departmental annual reports, and also reports all Official Development Assistance (ODA) eligible expenditure to AusAID. Where appropriate, DIAC may also liaise with AusAID and other agencies, such as the Department of Foreign Affairs and Trade, regarding potential projects and their aims in the region.

DIAC's implementing partners in Afghanistan, such as the International Organization for Migration (IOM) and the United Nations Development Programme (UNDP), also have their own reporting requirements that may include making particular project details publically available.

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Q11. Senator RHIANNON: Can you provide the committee with a list of the multilateral organisations and the NGOs that are delivering our ODA in Afghanistan?

Ms Larkins: Yes.

Mr Schiwy: I think I have already mentioned IOM and Care as example agencies. I will see if I have any further details.

Senator RHIANNON: Would you take the question on notice.

DIAC manages a number of Official Development Assistance (ODA) funded programs in Afghanistan on behalf of the Australian Government. DIAC currently funds the following multilateral organisations and non-governmental organisations to deliver ODA funded projects in Afghanistan:

- United Nations High Commissioner for Refugees;
- United Nations Development Programme;
- CARE; and
- International Organization for Migration.

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Q12. Ms Larkins: It is a very small caseload (Afghans returned from Australia to Afghanistan), and certainly we could give you a bit more particular information on those cases and what they were offered. We will also have a look at the case about the person being robbed in transit.

Since October 2008, there have been two involuntary returns and 11 voluntary returns to Afghanistan.

Where a client seeks voluntary return or removal from Australia, the International Organization for Migration (IOM) is able to provide those clients with an Individual Reintegration Assistance package to assist them with sustainable reintegration back into Afghanistan. The package is to a maximum of USD4000, which includes a cash component as well as in-kind assistance such as accommodation, vocational skill training or set up of a small business.

Where a client does not cooperate with the department and is involuntarily removed from Australia, their post-arrival care needs will be assessed by the department and they will be provided with assistance to meet their arrival needs, such as transportation from the airport and accommodation. Involuntary returnees will also have access to post-arrival (reintegration) assistance through IOM on arrival in Kabul. Due to the involuntary nature of the returns, IOM cannot engage with clients prior to departure and the client will have to present themselves to the IOM Office at Kabul airport on arrival. The package is to a maximum of USD2000 with up to USD700 in cash and the remainder as in-kind assistance.

DIAC has received no reports of Afghan returnees being robbed of the cash component of their reintegration assistance on return. IOM, who manages reintegration packages on behalf of the department, has confirmed with their representatives on the ground in Kabul, that to the best of their knowledge, no returnees have been robbed of their cash advances.

Q13. Ms Larkins: ...Our funding is subject to the sorts of general government accountability mechanisms. We need to report on it, we get audited; we are subject to all of those constraints and safeguards in terms of contracting. As to the question, 'Is there more that we need to do?' I am not in a position to assess that.

Mr Schiwy: ... as part of normal business, we would re-appraise our processes and our governance as events occur.

Senator KROGER: Is that a 12-monthly event, is that a two-yearly event, is that when something goes seriously wrong—what is the trigger for that event?

Ms Larkins: Certainly if something went wrong we would look at it, but I think there are a range of safeguards and accountability mechanisms. I think you are asking, 'Do we need to do more?' I feel like I am not in a position to make that assessment, but I note your comment—

Senator KROGER: Can I put it as a question on notice for a response. This is more about the structural process in relation to consideration of partnerships, whether they are NGOs or whoever they are.

Senator KROGER: What is that process? Is there a structured process of review, or are there other things that come into it? You responded to Senator Rhiannon in relation to your review of efficiency and so on. You said that it was just part of the normal process that you looked at outcomes. In what way are the activities of DIAC aligned with the activities of other departments? I will explain where I am coming from. There are dozens of government departments and agencies that provide aid in Afghanistan. You provide aid in a certain way. To what extent is there, from your understanding, a holistic approach so that you are conforming to the same guidelines as, say, the Department of Foreign Affairs and Trade, and the Department of Agriculture, Fisheries and Forestry? All these departments are deploying aid in one shape or other in Afghanistan. To what extent are you aware of, or provide, any coordinated approach?

DIAC's programs in Afghanistan under the auspices of the tripartite Memorandum of Understanding (MoU) on Migration and Humanitarian Cooperation with Afghanistan and the United Nations High Commissioner for Refugees, are monitored and reviewed at regular Senior Officials' meetings with the Afghan Government.

DIAC also participates in whole-of-government forums such as the Afghanistan-Pakistan Inter-Departmental Committee (IDC) hosted by the Department of Foreign Affairs and Trade, to discuss the department's programs in Afghanistan and how they align with the work of other Australian Government agencies. In addition, DIAC's Principal Migration Officer (PMO) based in Kabul regularly liaises with DFAT and other Australian Government agencies in Afghanistan.

In relation to projects under the Displaced Persons Program, DIAC liaises with AusAID and DFAT during the selection process undertaken for each new project.

All of DIAC's programs in Afghanistan are also subject to stringent internal and external audit processes. Internal audits may be undertaken as part of an annual audit program approved by the Departmental Audit Committee, and are undertaken by professional services firms operating under contract to the department. The Australian National Audit Office (ANAO) also undertakes external audits of the department and reports to Parliament.

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Q14. Senator RHIANNON: These problems are enormous and it has been dragging on for so long, so how did we get to this position? Has an assessment been made of how the decision was made to go with the AliceGhan in this location in the first place?

Ms Larkins: I am not sure, and Mr Schiwy is saying that he is not aware of that either. I do not know whether we have done an evaluation of that.

Senator RHIANNON: Is DIAC taking responsibility here for this problem? Problems do occur, but clearly some lessons need to be learnt and assessments need to be made.

Ms Larkins: I think we would have to take that on notice. I am just not sure what evaluation has been done of the process.

Senator RHIANNON: The essence of the question is: what assessment was made and, considering these problems, why were they not anticipated before the project received funding?

Ms Larkins: We will take that on notice.

The AliceGhan project is managed by the Government of Afghanistan (in particular, the Ministry of Refugees and Repatriation) in conjunction with the United Nations Development Programme (UNDP). DIAC's Principal Migration Officer in Kabul engages closely with Afghan authorities and the UNDP to determine what additional assistance is required.

The location for AliceGhan was determined on recommendation by the Afghan Government, in line with its *National Programme for Landless Returnees* report published in 2005. The Barikab site was discussed at a fact finding mission between the Governments of Australia and Afghanistan and was selected on the basis that:

- it would provide accommodation for a greater number of returnees and would be able to be implemented more quickly than other potential locations;
- the land was vacant and owned by the Afghan Government;
- there was more access to water than other sites and the land was level; and
- it was believed that 30 000 families wanted to build there.

On 27 September 2006, a letter was provided to the Afghan Government from the Qarabagh residents of the villages in the Barikab district endorsing the decision to build AliceGhan on that site.

In 2008, a dispute between the Afghan Government and the Qarabagh Shura (local council) unfolded over land intended for the permanent water supply infrastructure for the AliceGhan settlement. This was unexpected as DIAC had proceeded with the project on the assurances of the Afghan Government that it owned the land required for AliceGhan. In July 2010, UNDP provided DIAC with a copy of a signed MoU

agreement resolving the land dispute between the Qarabagh Shura and Government (Kabul Governor).

The community build model of housing delivery was consistent with local standards of housing delivery and with similar projects successfully undertaken by other donors and international organisations in the region (eg. the US-funded Barikab settlement).

The AliceGhan settlement has been incorporated into the UNHCR, Afghanistan, Pakistan and Iran Solutions Strategy for Afghan refugees and returnees in the region for 2012-2014, as one of 40 identified pilot reintegration sites to ensure essential synergies and mobilise available resources and opportunities for highly impacted, priority areas of refugee return in Afghanistan.