

## **QUESTION TAKEN ON NOTICE**

### **PUBLIC HEARING ON PROSPECTIVE MARRIAGE: 25 MAY 2012**

#### **IMMIGRATION AND CITIZENSHIP PORTFOLIO**

##### **Program 1.1: Visa and Migration**

###### **Senator Cash asked (at page 19):**

**This morning the evidence given by CATWA, especially coming out of the United Kingdom, was that, even if you had been 17 and three months, those few extra months made a huge difference in relation to the ability of the woman to actually say in the interview process, 'It is going to be a forced marriage.' Again, I am not asking you to comment on policy as such, but is there any advantage in actually having that automatic referral process for anybody under the age of 18?**

Advice received from posts since the public hearing of 25 May 2012 confirms that all Prospective Marriage visa applicants under the age of 18 are interviewed. Although the Department has no formal policy in relation to interviewing visa applicants under the age of 18, the practice is that all applicants in this age category are interviewed as they would be flagged as medium to high risk.

###### **Senator Bilyk asked (at pages 22-23):**

**Can we get some statistics on how many of those actually are sent and how many might be still in the country?**

In the footnote on page 18 of the Department's submission, we reported that, as at 31 December 2011, of the 34 025 Prospective Marriage visas granted between 1 July 2006 and 31 December 2011, 3459 visas were still valid and 2237 had expired before their holders applied for a Partner visa in Australia. In the remaining 28 329 cases, the visa holder had proceeded to apply for a Partner visa.

A data match was conducted against a sample of the 5696 visa holders/former holders who had not gone on to apply for a partner visa at 31 December 2011 to see their status at 1 June 2012. This sampling revealed the following:

- 43 per cent were onshore and held a substantive visa;
- 43 per cent were offshore;
- 10 per cent were onshore and held a valid bridging visa;
- 3 per cent were unlawful in Australia (ie did not hold a valid visa);
- less than one per cent were Australian citizens; and
- 2 people were deceased.

The sample size was 4820 (85 per cent of the cohort) and excluded any cases where data errors prevented an automated data match being returned.

**Senator Bilyk asked (at pages 22-23):**

**In regard to statistics, are there interview rates, application rates for high risk or no risk posts over the past five years? If they (interview rates) are available can we get those as well?**

The Department does not formally allocate a risk level to overseas posts. However, for calculation of service standards, low risk applies to nationals from countries which issue Electronic Travel Authority (ETA) eligible passports. High risk countries are those which are not ETA eligible.

The table below shows the number of Prospective Marriage visas that were granted, refused and withdrawn/otherwise finalised between 1 July 2006 and 31 December 2011 by citizenship. ETA eligible citizenships are highlighted.

Citizenship	Outcome			Grand Total
	Granted	Refused	Withdrawn/Otherwise	
Afghanistan	200	44	7	251
Albania	128	10		138
Algeria	23	5	1	29
Angola		1		1
Argentina	87	6	4	97
Armenia	32	5		37
Austria	50	1		51
Azerbaijan	23			23
Bahrain	1	1		2
Bangladesh	32	6	3	41
Belarus	64	1	2	67
Belgium	28		1	29
Benin		1		1
Bhutan	4			4
Bolivia	13	2		15
Bosnia-Herzegovina	160	38	10	208
Botswana	4	3		7
Brazil	298	16	9	323
Brit O'seas Citizenship	1			1
British Subject	1			1
Bulgaria	39	2	3	44
Burkina Faso	2	1		3
Burundi	16	5		21
Cambodia, the Kingdom of	840	159	66	1065
Cameroon	20	1	1	22
Canada	457	2	16	475
Chad			1	1
Chile	149	8	3	160
China, Peoples Republic of	3174	330	100	3604
Colombia	169	9	6	184
Congo	5	1	1	7
Costa Rica	6	1		7

Cote d'Ivoire	5	1		6
Croatia	108	5	4	117
Cuba	42	4	1	47
Cyprus	7			7
Czech Republic	52	2	2	56
Dem Republic Of Timor-Leste	15	1	2	18
Democratic Republic of Congo	25	2		27
Denmark	38	1	3	42
Djibouti	1	2		3
Dominica	1	1		2
Dominican Republic	4			4
Ecuador	24	3		27
Egypt, Arab Republic of	210	49	26	285
El Salvador	25	5	4	34
Eritrea	38	10		48
Estonia	6			6
Ethiopia	157	67		224
Fiji	391	49	13	453
Finland	21		1	22
Fmr Yugo Rep of Macedonia	245	56	2	303
France	120	1	3	124
French Guiana	1			1
Gabon	1			1
Gambia		1		1
Georgia	8	3		11
Germany, Federal Rep. Of	311	11	7	329
Ghana	143	24		167
Greece	50	2		52
Grenada	2			2
Guatemala	8			8
Guinea	25	7	1	33
Guyana	3			3
Haiti	2	1		3
Honduras	3	2		5
Hong Kong	96	3	4	103
Hong Kong British Nationals	17			17
Hungary	61	2	2	65
Iceland	5			5
India	1022	70	57	1149
Indonesia	923	36	95	1054
Iran	285	49	10	344
Iraq	584	113	20	717
Ireland (so stated)	36			36
Irish Republic	197	2	7	206
Israel	125	11	7	143
Italy	69	4	3	76
Jamaica	17	2	1	20
Japan	564	9	16	589
Jordan	70	12	1	83
Kazakhstan	49	4	3	56

Kenya	93	8	3	104
Kiribati	6			6
Korea, Republic of	119	1	4	124
Kosovar	25	2		27
Kyrgyzstan	15	2		17
Lao Peoples Democratic Rep	209	25	2	236
Latvia	21	2	1	24
Lebanon	2152	400	189	2741
Liberia	52	15	2	69
Libya	3	3		6
Liechtenstein	1			1
Lithuania	19	2	1	22
Macau Spec Admin Rgn	4			4
Madagascar	3	1		4
Malawi	4		1	5
Malaysia	253	3	14	270
Mali	2	1		3
Malta	14		1	15
Mauritania			1	1
Mauritius	90	8	3	101
Mexico	92	7	1	100
Moldova	29	2	1	32
Mongolia	13			13
Montenegro	14	3		17
Morocco	72	33	6	111
Mozambique	9			9
Myanmar	282	30	6	318
Namibia	5			5
Nepal	62	4	2	68
Netherlands	119		5	124
New Zealand	2			2
Nicaragua	3			3
Niger	1	2		3
Nigeria (Africa)	155	41	5	201
Norway	20		1	21
Oman	1			1
Pakistan	145	31	12	188
Palestinian Authority	28	7		35
Panama	1	1		2
Papua New Guinea	45	7	4	56
Paraguay	5			5
Peru	179	7	6	192
Philippines	4505	338	231	5074
Poland	216	12	7	235
Portugal	39	4	1	44
Refugee	4	2		6
Romania	161	22		183
Russian Federation	780	40	17	837
Rwanda	6	1		7
Samoa	38	6		44
Saudi Arabia	1	1		2
Senegal	12	1		13

Serbia	252	36	7	295
Serbia and Montenegro	40	11	1	52
Seychelles	11			11
Sierra Leone	65	18	1	84
Singapore	116	2	4	122
Slovakia	33	2	2	37
Slovenia	9	2	1	12
Solomon Islands	12		2	14
Somalia	65	30	3	98
South Africa, Republic of	477	8	18	503
Spain	59		1	60
Sri Lanka	153	26	6	185
St Kitts-Nevis	1			1
St Lucia	1			1
St Vincent & the Grenadines	1			1
Stateless	88	28	7	123
Sudan	173	79	16	268
Sweden	69	3	2	74
Switzerland	69		3	72
Syria	377	58	14	449
Tadjikistan	1			1
Taiwan	108		6	114
Tanzania	26	1	1	28
Thailand	2052	56	42	2150
Togo	4			4
Tonga	36	5		41
Trinidad and Tobago	13		1	14
Tunisia	8	4	1	13
Turkey	337	90	17	444
Turkmenistan	2			2
Tuvalu		1		1
Uganda	48	7		55
Ukraine	346	18	13	377
UN Convention Refugee	23	6	1	30
United Kingdom	2036	20	92	2148
United States of America	1028	55	64	1147
Unknown	4	1		5
Uruguay	27	4	4	35
US Minor Outlying Islands	1			1
Uzbekistan	30	3	1	34
Vanuatu	14			14
Venezuela	29	2	2	33
Vietnam	3320	687	58	4065
Yemen	5	1		6
Yemen Arab Republic	1			1
Yugoslavia, Fed Republic of	11	1		12
Zambia	18	3	1	22
Zimbabwe	59	6	2	67
Grand Total	34025	3635	1450	39110

Information on interview rates is not able to be reported on. Although this information is held on file and recorded in case notes electronically, it cannot be recorded in a way which allows Departmental systems to report on the number of Prospective Marriage visa applicants who were interviewed.

**Senator Wright asked (at page 24):**

**In attachment A of the Department's submission, the age of some sponsors and sometimes applicants is marked 'unknown' in a number of instances. Why would that be?**

The data for the information reported on in Attachment A of the Department's submission was obtained from a report that captures details recorded on the system used by officers at post. The age of these sponsors was either not recorded or recorded incorrectly and as such, was reported as 'unknown'.

For cases involving applicants aged under 18, further interrogation of the system used to record details of the visa applicant and sponsor in association with a visa application lodged in Australia, for example, the Partner visa application which a Prospective Marriage visa holder lodges, reveals the correct ages of the sponsors in these 35 cases; they are as follow:

Sponsor's age	18	19	20	21	22	23	24	25-34	35-44	45-54	55-64	Total
	0	0	4	0	1	5	3	21	1	0	0	35

It was not possible to complete manual checks on other sponsors in the time required.

**Senator Wright asked (at page 24):**

**In what proportion of cases – and you might need to take this on notice – would a sponsor be the parent or guardian of an intended spouse?**

Information relating to instances where the sponsor of a Prospective Marriage visa application is the parent or guardian of the intended spouse cannot be recorded in a manner that allows the Department to report it. The information would however, be held on file and recorded electronically in case notes.

**Senator Kroger asked (at page 25):**

**On those top 10 spots, can you provide a breakdown of how many employees are working solely on the Prospective Marriage visas?**

Advice received from the top ten posts indicates that none have staff working solely on processing Prospective Marriage visa applications. As Prospective Marriage visas fall within the Partner category, along with Partner visas, staff who process them also process Temporary and Permanent Partner visas (subclasses 309 and 100). Some officers may also process other visas, depending on local staffing arrangements.

**Senator Kroger asked (at page 25):**

**I note in your submission that Beirut granted 118 Prospective Marriage visas to applicants under the age of 18. I presume they were all girls. Would those interviews be conducted with those young women on their own or would that include the family who have delivered them to the interview, are sitting out in the waiting room and are then picking them up and taking them out?**

Advice from the post in Beirut confirms that all 118 Prospective Marriage visa applicants reported on in the submission were females. In relation to the interview process, the post has also confirmed that all applicants are interviewed, either in person or by telephone. Most applicants prefer to attend the embassy for a face-to-face interview and are usually accompanied by their sponsoring partner or a relative or friend. Applicants are interviewed alone; however, during the interview, they can see and be seen, through glass partitions, by people in the waiting area, including the person(s) who accompanied them to the embassy. The post further advised that no visa applicants under the age of 18 have complained about these interview arrangements and that if they were to receive any request to have the applicant accompanied by someone, they would consider that request.

**Senator Kroger asked (at page 26):**

**With, say, Ho Chi Minh, is that post only dealing with applications in that city or is it dealing with applications across the country and perhaps other nearby countries as well? Of those top 10 – because it would be helpful to get an understanding of –**

<b>TOP 10 POSTS</b>	<b>Responsible for applications from</b>
Manila	Philippines
Ho Chi Minh City	Vietnam and Laos
Shanghai	Shanghai, Beijing, Tianjin, Chongqing, Jiansu, Zhejiang, Anhui, Jiangxi, Hubei, Heilongjiang, Jilin, Liaoning, Hebei, Shandong, Inner Mongolia, Shanxi, Henan, Ningxia, Shaanxi, Sichuan, Gansu, Qinghai, Xinjiang and Tibet
London	UK, Republic of Ireland, Ascension Island, Falkland Islands, Gibraltar and Saint Helena
Bangkok	Thailand and Burma as well as applicants living in Pakistan and Afghanistan, except Afghan nationals who lodged prior to 1 December 2011
Beirut	Lebanon and Nicosia
Berlin	Denmark, Estonia, Finland, Germany, Greece, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Malta, The Netherlands, Norway, Poland, San Marino, Sweden, Switzerland and Vatican City
Moscow	Nationals and legal residents of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan
Washington	US residents as well as applicants from Puerto Rico and US Virgin Islands (this information is not available on the department's website).

New Delhi	India, Bhutan and Nepal
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Senator Kroger asked (at page 26):

In the statistics you have provided, have you given the number of staff at those posts? Is it possible to add one further column and that is the total number of staff?

<b>TOP 10 POSTS</b>	<b>Total Australian-based Staff</b>	<b>Locally Engaged (staff dealing with Prospective Marriage visas)</b>	<b>Total Locally Engaged</b>	<b>Total Staff at post</b>
Manila	6	10	38	54
Ho Chi Minh City	4	2	36	42
Shanghai	6	3	81	90
London	5	9	62	76
Bangkok	8	1	33	42
Beirut	2	0	16	18
Berlin	3	7	31	41
Moscow	3	0	15	18
Washington	2	4	14	20
New Delhi	9	2	133	144
<b>Total</b>	<b>48</b>	<b>38</b>	<b>459</b>	<b>545</b>
% of total staff at post	<b>9%</b>	<b>7%</b>	<b>84%</b>	<b>100%</b>

Senator Wright asked (at page 28):

**What is the current status of the Australian government's response to the Australian Law Reform Commission's report Family Violence and Commonwealth laws: Improving legal frameworks, and in particular recommendation 20.1, which is about amending the regulations to enable prospective marriage visa holders to access the family violence exceptions?**

The Department is currently reviewing the Commission's report.

The Attorney-General's Department is co-ordinating a whole of government response to the Australian Law Reform Commission's report into family violence.