

**QUESTION TAKEN ON NOTICE – LEGAL AND CONSTITUTIONAL AFFAIRS
REFERENCES COMMITTEE**

**INQUIRY INTO AUSTRALIA'S AGREEMENT WITH MALAYSIA IN RELATION TO
ASYLUM SEEKERS: 23 SEPTEMBER 2011**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(QON 30)

Senator Cash asked (in writing):

[Regarding costs – return of failed asylum seekers] Will the Australian Government be responsible for returning failed asylum seekers transferred to Malaysia to their home country or a third country under the Malaysian agreement? Given that up to half of those sent to Malaysia may prove not to be refugees, how much has budgeted for this purpose and if they are unable to be returned to their own country, is Australia obliged to accept them if a third country cannot be found?

Answer:

Clause 9 (4) of the Arrangement states that Australia will provide assistance to the Malaysian authorities to return those transferees found not to be in need of international protection, to their country of origin.

\$75.928 million has been allocated for operational costs under the Arrangement. This includes costs associated with assisting the Malaysian authorities facilitate the removal of those found not to be in need of international protection.

The Australian Government will work with the Malaysian authorities to facilitate a durable outcome for such people. This may include removal or voluntary return with assistance provided by IOM.

There is no obligation on Australia to accept transferees found not to be in need of international protection.