

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 5 February 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(CP/003) – Parliamentary Inquiry - Criminal history

Asked:

The second reading speech states that there have been 'several persons who have been found to meet the complementary protection criteria where they have been involved in serious crimes in their home countries, or are fleeing their home countries due to their association with criminal gangs'.

Can the Department clarify whether people who have a criminal history have been granted complementary protection, and if so, the number and offence types involved?

Answer:

Statistics on the number of protection visas granted on the basis of complementary protection, to people who have based their complementary protection claims on serious crime or association with criminal gangs are not available, as departmental systems do not record to this level of information.

However, the department is aware of a case where an applicant with a significant criminal history met the complementary protection criteria, at review in the Refugee Review Tribunal. The applicant had been convicted of a number of drug-related and dishonesty offences in Australia, including at least four breaches of court imposed conditions.

An applicant for a protection visa will be assessed against all relevant criteria for the grant of the visa set out in the Act and the *Migration Regulations 1994*. Once the Minister (or a delegate) is satisfied that the applicant meets the relevant criteria and no other legislative provisions prevent the grant (including the character exclusion provisions), the visa must be granted. If the applicant does not satisfy the criteria, the Minister (or delegate) must refuse the visa.