

## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING : 27 February 2017**

**IMMIGRATION AND BORDER PROTECTION PORTFOLIO**

**(AE17/058) - Illegal departure - Operation Sovereign Borders**

Senator McKim, Nick (L&CA 104) asked:

Senator McKIM: Are you aware of anybody, or are you as a department aware of anyone, that has been returned as a result of their boat being turned back or any other assistance from the Australian government who has been prosecuted or charged in regard to their illegal departure but has not been prosecuted as being an organiser—in other words simply for the fact of leaving illegally?

Mr Pezzullo: We will have to check the records. I am not aware of any cases where anyone has been charged and then prosecuted for the act of departure. The prosecutions that I am aware of—whether there is more than one, I just cannot quite recall—relate to the organisation of the venture in question.

Senator McKIM: Could I ask you to check that and come back on notice.

Mr Pezzullo: We will check that, indeed.

*Answer:*

The Department is not aware of anyone that has been prosecuted for their illegal departure on a people smuggling venture after being returned. The Vietnamese Government has informed us that a number of their nationals were fined for their illegal departure from Vietnam in 2016.

Many countries have entry and exit requirements in their domestic legislation and enforce compliance with those requirements. The application of that legislation is a matter for those sovereign nations.