

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(26) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Bartlett asked:

Please supply statistics on the number of visas (broken down by visa class) issued each year between 2002 and present to holders of temporary protection, temporary humanitarian, temporary safe haven and return pending visas.

*Answer:*

Departmental records indicate that the following substantive visas have been granted to these people as at 25 February 2005.

Grant Yr	Partner (Residence)	Child (Residence)	Employer Nomination (Residence)	Medical Practitioner (Temporary)	Protection Visa	Refugee and Humanitarian	TOTAL
2001-02	0	0	0	0	0	0	0
2002-03	0	1	0	0	7	0	8
2003-04	0	0	1	0	1179	0	1180
2004-05	2	0	14	1	1838	4	1859
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>15</b>	<b>1</b>	<b>3024</b>	<b>4</b>	<b>3047</b>

As expected many PV holders who have access to mainstream visas as a result of the TPV initiative implemented on 27 August 2004 are awaiting the outcome of their applications for further protection visas before considering mainstream visa alternatives.

**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(27) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

How many 417 requests were made in the period 2003-04?

(a) How many were accepted?

(b) How many were refused?

*Answer:*

In the period 2003-04, some 4130 requests were made under section 417 of the Act. Departmental systems do not allow a breakdown to provide the status of each individual request submitted in 2003-04.

However, during this period, the Minister intervened under section 417 to grant visas in 655 cases, and declined to intervene in 1840 cases.

**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(28) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

Are there new ministerial guidelines for the s417 requests?

(a) If so, please provide?

(b) If so, have these guidelines been provided to Migration Agents?

*Answer:*

(a) No.

(b) The existing guidelines are available to Migration Agents through subscription.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(29) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

#### Temporary Protection Visas

1. Is it the Department's aim to re-assess every individual who applies for permanent protection when their TPV expires?
2. Is the Department progressing in this matter?
3. How many have applied for permanent protection?
4. How many have been accepted at first decision?
5. How many have appealed to the RRT?
6. How many have left voluntarily?
7. How many are awaiting decisions?
8. What is the estimated cost of each assessment?
9. Given that the last boat arrival was in 2001, when does the Department expect that the final decision will be made on permanent protection for refugees who landed by boat?

*Answer:*

1. Yes. The Department is under a statutory obligation to assess and decide protection visa applications.
2. Yes, DIMIA records indicate that as at 25 February 2005, some 4,500 primary decisions have been made on further protection visa applications lodged by Temporary Protection Visa (TPV) and offshore Temporary Humanitarian Visa (THV) holders.
3. DIMIA records indicate that as at 25 February 2005 some 9,300 applications for further protection have been lodged. Whether a further protection visa is a temporary or permanent visa will depend on a number of factors, including the person's actions as they travelled to Australia.
4. DIMIA records indicate that as at 25 February 2005, some 2,500 grants have been made at the primary decision stage on applications for further protection.
5. DIMIA records indicate that as at 25 February 2005, some 1,500 decisions on applications for further protection have been appealed to the Refugee Review Tribunal.
6. DIMIA systems show that as at 27 February 2005, some 320 former TPV holders have departed Australia without waiting for resolution of a further protection visa application.

7. DIMIA records indicate that as at 25 February 2005, some 4,800 applications for further protection were awaiting a departmental decision at primary stage.
8. DIMIA financial systems do not allow processing costs of applications for further protection to be disaggregated from the other protection visas processing costs incurred by the Department.
9. We anticipate that the vast majority of applicants for further protection who entered Australia as unauthorised boat arrivals will have received a primary decision on their applications by the end of 2005.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(30) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

Temporary Protection Visas:

1. If a refugee's claim is rejected they have a right to apply to the RRT for review. What is the estimated cost of a review?
2. If the review process confirms the original decision and the person opts to appeal, what rights are there to appeal – to the Federal Court, or to the High Court?
3. What is the expected cost of these appeals?
4. What is the Department's view of the likely success of the appeals, noting the points of international law about the procedure for revoking a refugee's protection?
5. At what stage in the appeal process will the refugees lose their right to work and to Medicare?
6. At what stage in the appeal process will the refugees be re-detained?

*Answer:*

1. RRT and Departmental management systems do not disaggregate review processing costs for further applications for protection visas by Temporary Protection Visa (TPV) and Temporary Humanitarian Visa (THV) holders from the review processing costs of other tribunal reviews.
2. Where the RRT affirms the decision of a primary decision maker, the applicant may seek judicial review in the Federal Court, the Federal Magistrates Court, or the High Court in its original jurisdiction. If the applicant is unsuccessful before the Federal Court or Federal Magistrates Court, they have a right of appeal to the Full Federal Court. If the applicant is unsuccessful before the Full Federal Court they may apply to the High Court for special leave to appeal.
3. On average, the expected cost to the Department in defending an application for judicial review filed in the Federal Court or the Federal Magistrates Court is approximately six thousand dollars (\$6000).
4. The Department's approach to processing applications for further protection is correct. To date, the courts have agreed with the Department's approach to assessment. The Department has been successful in all eight matters involving applicants for further protection which have proceeded to final court hearing and judgment.
5. TPV and THV holders retain work rights and Medicare access until the final resolution of their application for further protection at merits review. For those granted a further protection visa, work rights and Medicare access will continue for

the term of that visa, which in many cases will be a permanent protection visa. Those whose application for a further protection visa is refused can access an 18 month Return Pending Visa which will continue work rights and Medicare access while the individuals make plans to leave Australia or pursue mainstream visa avenues to remain in Australia.

6. Applicants for further protection remain lawfully in the community throughout the merits review process. If unsuccessful at review they can access an 18 month Return Pending Visa and, if litigating or have not departed for other reasons at the end of that period, they can access the usual Bridging Visa arrangements under the Migration legislation.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(31) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

How many other classes of visa have been granted to people on temporary protection visas as a result of the Minister's announcement of "permanent protection options" prior to last year's election?

*Answer:*

As expected, only small numbers of temporary protection visa holders and offshore temporary humanitarian visa holders are applying for mainstream visas so far. Most of these people are awaiting the outcome of their further protection visa applications as this offers the prospect of obtaining permanent residence and access to attractive settlement services and welfare support if needed.

As at 25 February 2005, 20 applications for mainstream visas have been lodged (covering 35 people). Eight applications (18 people) have been finalised with 15 permanent visas granted, 1 temporary visa granted and 1 application (covering 2 people) withdrawn as the applicants were granted permanent protection visas.

The visas granted are:

- 12 Subclass 856 Employer Nomination Scheme (Permanent) visas
- 1 Subclass 801 Spouse (Permanent) visa
- 2 Subclass 857 Regional Sponsored Migration Scheme (Permanent) visas
- 1 Subclass 422 Medical Practitioner (Temporary) visa



**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(32) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

Is there an information campaign under design to advise refugees of the threat of re-detention, as a way of encouraging them to return back to countries such as Afghanistan prior to a threatened deportation?

*Answer:*

No. Published Departmental information highlights the opportunities for Temporary Protection Visa and Offshore Temporary Humanitarian Visa holders to apply for continuing refugee protection if they wish. More recently, Departmental publications promote the opportunities introduced by the Government, with effect from August 2004, for these people to apply for mainstream migration visas if they wish and to receive an 18 month Return Pending Visa if they are found conclusively not to require further protection.

**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(33) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

What has been the cost of keeping and training staff for the reprocessing of the claims of those on temporary protection visas?

*Answer:*

The existing trained staff processing further protection visa applications are also processing other protection visa applications. It is not possible to separately identify the costs of keeping and training staff which are attributable only to further protection visa processing.

## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(34) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

1. How many Iraqi refugees are on expired or expiring temporary protection visas?
2. What processing is being done of these refugees claims for continuing protection?

*Answer:*

1. Where a Temporary Protection Visa (TPV) holder applies for a further protection visa (FPV) before the expiry date of their TPV, the TPV status can continue until the FPV application is finally determined.

This means that the only Iraqi TPV grantees whose TPVs have expired are those who either did not apply for further protection before their TPV expired, or have been finally determined not to be refugees.

As at 25 February 2005, DIMIA records indicate that some 20 Iraqi nationals in Australia have had their TPV status expire.

2. As at 25 February 2005, over 1300 FPV applications from Iraqi citizens have been decided by DIMIA.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(35) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

Temporary Protection Visas:

1. Is there evidence available to the Department or any studies that the department is aware of on the effect of insecurity on the health or well being of refugees?
2. Is the Department aware of, or has it commissioned any studies of the medical effects of the insecurity?
3. If so what were the costs of producing these reports?
4. If so were these reports conducted independently?
5. If so who were the authors of these reports?
6. When were these reports released to the Department?
7. Will any of these reports be released publicly?
8. How would the insecurity of settlement awaiting determination of permanent protection effect that medical condition for people from countries such as Iraq.
9. Is there a view on whether the cumulative effect of persecution in Iraq, flight, detention, long processing, temporary protection, indefinite suspension, might have on well being? Would the circumstances of this be better or worse for children? Have there been any views expressed on this by medical authorities? What is the Department's response to these views?

*Answer:*

1. The Department is aware of some studies in the public domain on the health and well-being of TPV holders.
2. The Department is aware of, but has not commissioned, primary studies in this area.
3. Not applicable.
4. Not applicable.

5. Not applicable.

6. Not applicable.

7. Not applicable.

8. and 9. Although various health claims have been made publicly, the Department is not aware of any conclusive evidence on these issues.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(36) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

Temporary Protection Visas

1. What has DIMIA advised Afghan refugees about safety to return?
2. What information has DIMIA used to make that assessment? What information is there on the towns and regions of origin of the Afghan refugees living in Australia?
3. What information is there on the situation facing refugees of the Hazara ethnicity?

Answer:

1. DIMIA does not advise people about safety to return. Australia takes its international obligations seriously. Robust processes are in place to assess any asylum claims to ensure that people owed protection will receive it and that persons are not returned to their homeland where this would breach Australia's refugee protection obligations. Under migration legislation, any non-citizens, irrespective of whether they hold visas, are free to leave Australia if they wish. Some 3.5 million Afghan refugees and former refugees have returned to Afghanistan in recent years, many under UNHCR auspices (including some 200,000 Afghans of Hazara ethnicity).
2. As stated above, DIMIA does not provide advice on safety to return. The Department's Country Information Service maintains information on provinces and districts within Afghanistan from a wide range of sources. This information is used to assess applications for protection visas.
3. The Department's Country Information Service maintains comprehensive information on the human rights and security situations in countries around the world. Afghanistan, including Afghans of the Hazara ethnicity, is a priority for country research. The Country Information Service is in close consultation with the Department of Foreign Affairs and Trade network of overseas posts as well as the equivalent governmental country research agencies in Europe and North America. There is also close consideration of information from non-government and inter-governmental organisations (dealing with human rights concerns) and individual country experts, as well as extensive and continuous monitoring of academic, media and Internet information sources.

**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(37) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

Temporary Protection Visas:

What criteria are officers using to determine claims for permanent protection – are they ensuring that it is safe to return the refugees, or are they requiring proven refugees to prove a continuing fear of persecution. What legal advice has been sought on the balance of proof?

*Answer:*

A decision-maker must be satisfied that the applicant has met all legislative requirements for grant of a further protection visa. One of these requirements is that the decision-maker is satisfied that the applicant is owed protection obligations under the Refugees Convention. In reaching their conclusion the decision-maker considers whether the applicant has a well-founded fear of persecution for a Convention reason at the time of decision.

There is no onus or balance of proof in the decision making process. There have been a number of court decisions which have agreed with the Department's approach to assessment of applications for further protection visas.

**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(38) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

Temporary Protection Visas:

What legal advice has been sought on the view that only the UNHCR has the right to remove refugee protection – the cessation clauses of the Convention?

*Answer:*

The Refugees Convention does not in any way provide that the cessation clauses can only be applied by the UNHCR, or that only UNHCR can remove refugee protection. The interpretation and obligations under the Refugees Convention is a matter for State parties to the Convention.



## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(39) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

Temporary Protection Visas

What is the cost of the reprocessing of the claims? Is additional staff being engaged to do it, or is staff being kept on when they would otherwise have been reallocated to other duties?

*Answer:*

DIMIA financial systems do not allow processing costs of FPVs to be disaggregated from the other protection visas processing costs incurred by the Department.

Staffing resources have been progressively adjusted to match ongoing community caseloads as well as further protection caseloads drawing on existing Departmental resources and recruitment as necessary.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2004**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(40) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

1. How many were able to show discrimination or threat, not amounting to persecution under Geneva Convention – ie enough to make them flee, but not enough to gain protection in Australia
2. How many had claims of persecution which were not accepted on the basis that situations had changed since they fled – ie Afghans whose claims were based on persecution by the Taliban?
3. From what countries did the remaining people come from?
4. How long did it take to assess these people as failing refugee claims?
5. Has the Department been developing any more cost effective ways of ensuring that the handful of non-refugees is sorted from refugees?

*Answer:*

1. DIMIA systems do not record this information in a reportable form.
2. DIMIA systems do not record this information in a reportable form.
3. Refer to Table 1 in question 17 for a Temporary Protection visa nationality breakdown.
4. Applications for further protection have been processed progressively as individual Temporary Protection visa (TPV) holders reach the 30 month point of their TPV validity, allowing for periods of time in relation to certain nationalities when lack of reliable country information did not allow decision making to proceed.
5. The Department constantly reviews the process of assessing applications for further protection to ensure they are processed in the most streamlined, cost-effective and rigorous manner. Australia has one of the most efficient and reliable refugee assessment processes in the world.

The proportion of those claiming refugee protection who are in need of Australia's protection varies widely according to their particular claims, their nationality, and the human rights situation in their homeland at the time. The major constraint to further reductions in the cost of decision-making are the safeguards in the existing processes to provide individuals with an equitable opportunity to present their case, to receive and comment on any adverse personal information relating to their claims, which might be taken into account by the decision-maker, and to provide applicants with detailed reasons for any refusal decision and opportunities for merits review.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2004**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(41) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

1. In how many refugee cases has the Department used facial-mapping techniques to assist in the establishment of identity?
  - a. In how many cases appealed to the RRT have facial-mapping techniques been found to be unreliable?
2. What procedures does the Department have for determining whether to accept documentary evidence provided by an external country?
3. Are there any countries from which the Department will not consider any such evidence?
  - a. If so, which are they?
  - b. If not, why not?
4. What procedures does the Department have in place for determining the authenticity of foreign documentation?
  - a. How often are these updated and when was the last time they were updated?
5. In how many cases has the Department relied on a document issued from Pakistan to cancel a visa?
  - a. How many of these cases were overturned in the RRT?
6. Following the case in the Refugee Review Tribunal N03/47484 did the Department update procedures for the acceptance of documentary evidence from an external country?
  - a. If yes, what were they?
  - b. If not, why not?
7. Are the following issues considered in deportation hearings?
  - a. Whether any action that a person performed while in Australia could be the basis for oppression on their return (for instance, to be the subject of an honour killing for the failure to wear a scarf or burqa)?
  - b. Extreme differences in standards of living between Australia and the country to which they are being deported?

*Answer:*

1. The Department is aware of one case, but records on this issue cannot be drawn from Departmental systems.
  - a. The Department is aware of one case, but records on this issue cannot be drawn from Departmental systems.
2. The Department will accept for consideration documents issued by any external country.

3. No.

a. N/A

b. There are some documents which expose varying levels of fraud or corruption in the issuing processes of the country concerned and this is given appropriate weight in the decision making process. However, there are no countries whose documents the Department refuses to consider.

4. Document fraud detection training provided to departmental staff ranges from basic document fraud awareness to advanced training in the examination of travel and supplementary documents. Staff can use these document fraud detection skills or can refer questioned documents to DIMIA's document examination specialists in Australia for further analysis and determination of authenticity. Where warranted, DIMIA staff will verify the authenticity of a foreign document by referring it to the issuing authority.

To assist staff in discerning document fraud the Department provides staff with a range of detection tools including an electronic reference collection of genuine and fraudulently altered travel documents.

a. Departmental processes and procedures in relation to document fraud detection are subject to continual review.

5. The Department does not keep this information in a reportable form.

a. The Department does not keep this information in a reportable form.

6 (a) and (b) No. The weight given to documentary evidence is a matter for individual protection visa decision-makers to decide, taking into account the specific circumstances of the case in question and the nature and provenance of the documentation. Thorough training is provided to protection visa decision-makers on the techniques and weighting of evidence.

7 (a) and (b) Failed asylum seekers generally become liable for removal from Australia when their bridging visas cease or their visa applications are finalised. There is generally no decision required of the Department to proceed with a removal.

However, issues of the type raised in the question are considered by the Department where persons have been found not to be refugees and may face removal from Australia. Consideration of such issues may lead to the matter being referred to the Minister for possible use of her personal powers to grant visas in the Public Interest or to allow a fresh protection visa application to be made.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(42) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Nettle asked:

1. What background research was done on Dr Samuell before agreeing to commission his research?
2. Who made the final decision to commission Dr Samuell's research?
3. Why was he contracted when he has no previous research experience or experience in the area of refugees and asylum seekers?
4. Was the department or the Minister aware of his views on mandatory detention and concerns about international terrorism? Did they take account of his bias?
5. During the time Dr Samuell was contracted to conduct research for the Department of Immigration, was he considered a representative of the department? Did he have official permission to represent the Department?
6. Was the Minister aware that Dr Samuell was using the imprimatur of the Department of Immigration in the following circumstances:
  - (a) When telephoning the Australian and New Zealand Journal of Public Health and asked that they do not publish Steele et al research paper.
  - (b) When telephoning the University of New South Wales and to demand action be taken against the researchers Steel et al.
7. When did they become aware of these activities and did they the department him to cease and desist?
8. Did Dr Samuell adhere to the brief he was originally commissioned to research? If not,
  - (a) What action did the Department take?
  - (b) Did the Department withhold any payment or otherwise impose a financial penalty?
9. Was the department aware and had they endorsed Dr Samuell's application under Freedom of Information legislation, for the release of highly confidential and private documents relating to research participants in UNSW?
  - (a) That these detailed reports would clearly identify subjects.
  - (b) That releasing these documents would be a serious ethical breach of the first principle of medical and research practice to guarantee the privacy and confidentiality of research subjects?

10. Did the department consider the effect or appearance that commissioning Dr Samuelli's work might have on the ability of researchers to undertake research without political interference?
  - (a) If so, what did the department decide?
  - (b) If not, why not?
11. Will the department provide funds to Dr Samuelli in the event of legal action being taken against him for his allegations and behaviour in relation to the research commissioned by the department?
12. How many times has the Department been approached by academics with research proposals to investigate the mental health of asylum seekers over the past 7 years?
  - (a) Who made these approaches?
  - (b) How many were funded?
13. Does the Department feel it is appropriate to apologise to the researchers given they have used a clearly partisan individual to try to discredit their research?

*Answer:*

1. See responses to questions at the Senate Estimates hearing 15 February 2005. (Pages L&C 116 – 118 of the Hansard refer.)
2. See responses to questions at the Senate Estimates hearing 15 February 2005. (Pages L&C 116 – 118 of the Hansard refer.)
3. See responses to questions at the Senate Estimates hearing 15 February 2005. (Pages L&C 116 – 118 of the Hansard refer.)
4. The Department had some knowledge of some of Dr Samuelli's personal views but considered that the views known to it would not impact on his ability to conduct the literature survey as proposed.
5. No.
6. No.
7. The Department is not aware that the claimed activities have in fact been undertaken.
8. The brief was to review the medical literature on health issues amongst the asylum seeker population including those on temporary protection visas in order to assess the strengths and weaknesses of that research. In the event, the final report concentrated mainly on asylum seekers in detention because that is where the pre-existing research had been done.
  - (a) The Department considered whether the report still constituted value for money and concluded that it did. The Department proceeded with the project on that basis.

(b) The amount paid to Professional Opinions was negotiated on the basis of the eventual scope of the report.

9. No. The Department is not aware of any such FOI applications.

(a) No.

(b) No.

10. The research was commissioned to evaluate the strengths and weaknesses of research methodology in existing literature. The report does not affect the ability of others to undertake research.

11. No.

12. This information cannot be extracted from Department systems.

(a) This information cannot be extracted from Department systems.

(b) None.

13. No. The Professional Opinions study appears to be soundly and objectively argued.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(43) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Nettle asked:

Can the department give an overview of how s417s are being processed at the moment?

- a) At what stage does the Minister view the file?
- b) On how many occasions, since Senator Vanstone has become Minister, has the Minister made decisions on 417s that are different to the department's recommendation?
- c) How are letters of support from Australian citizens and organizations handled? Does the Minister read each one? Are they summarized by the Department? In what form are they summarized?
- d) What procedures are in place to ensure fairness?
- e) What are the main "public interest" reasons for acceptance of section 417 applications?
- f) What are the main reasons for rejections of section 417s?
- g) What was the rejection percentage for 2003-2004?
- h) What is the current financial year's rejection rate?

Answer:

- a) Under general procedures the Ministers are provided briefing relating to intervention requests by the Department and may form their views on the basis of that material.
- b) The Department does not make a recommendation that the Minister intervene in particular cases.
- c) All letters to the Ministers for Immigration and Multicultural and Indigenous Affairs and for Citizenship and Multicultural Affairs pass through their respective offices before assessment work commences in the Department. Intervention correspondence is handled in accordance with the Minister's guidelines. In the case of initial section 417 requests or those requests raising issues which meet the guidelines for referral to the Minister, the relevant issues are included for the Minister's consideration in a schedule or a submission outlining the details of the case.
- d) The instructions for the processing of Ministerial intervention requests are outlined in the Migration Series Instruction 386 "Guidelines on Ministerial powers under section 345, 351, 417, 454 and 501J of the *Migration Act 1958*" and Migration Series Instruction 387 "Minister's Public Interest Powers". These Instructions provide administrative, procedural and policy advice for the



processing of requests for intervention by the Department, to promote consistency and fairness.

e) The Department does not hold this information.

f) The Department does not hold this information.

g) There were 3305 requests for intervention under section 417 finalised in 2003-04. Of these, 655 resulted in Ministerial intervention. The majority of these interventions related to a group of East Timorese nationals who had spent a considerable period lawfully in Australia awaiting the resolution of their protection visa applications.

h) There were 1944 requests for intervention under section 417 finalised in 2004-05 (as at 31 January 2005). Of these, 108 resulted in Ministerial intervention.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(44) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 33) asked:

Provide a chronology of events surrounding Ms Rau.

*Answer:*

The following is a chronology of significant events surrounding Ms Rau (Anna Brotmeyer aka Schmidt).

Please also refer to question on notice 88 regarding occasions Ms Rau (Anna Brotmeyer aka Schmidt) was seen or attempted to be seen by health care professionals.

<b>Date</b>	<b>Office</b>	<b>Action</b>
30/03/2004	DIMIA Cairns	Queensland Police notify DIMIA of a suspected unlawful citizen.
31/03/2004	DIMIA Cairns	<ul style="list-style-type: none"><li>▪ Documentation faxed to QLD Police in Coen requesting Ms Rau (Anna Brotmeyer aka Schmidt) be taken into custody as a suspected unlawful citizen;</li><li>▪ Documentation faxed to QLD Police in Coen requesting Ms Rau (Anna Brotmeyer aka Schmidt) be transferred to Cairns watch-house;</li><li>▪ Departmental system ICSE records searched for Anna Brotmeyer DOB: 1970;</li><li>▪ Departmental system movement records searched for Anna Brotmeyer DOB: 1970 (name given by person of interest);</li><li>▪ Movement records searched for Anna Schmidt and Anne Schmitz (name given by person of interest; Anna Brotmeyer and Anna Schmidt were the two names given to the QLD Police by the person of interest);</li><li>▪ ICSE records and movement records searched in the name of a passport which was found in Ms Rau's (Anna Brotmeyer aka Schmidt) property. Owner of the passport subsequently contacted.</li></ul>

Date	Office	Action
		<ul style="list-style-type: none"> <li>▪ Two other names were searched on the Department's movement system because they appeared in her belongings.</li> </ul>
1/04/2004	DIMIA Cairns	<p>Interviewed by DIMIA Officer –</p> <ul style="list-style-type: none"> <li>▪ Claimed her name was Anna Brotmeyer, date of birth 21/03/1970. Grew up in Dresden, arrived in Queensland 2 weeks prior to coming to the attention of Queensland police.</li> </ul>
2/04/2004	DIMIA Cairns/ Consulate of the Federal Republic of Germany	<ul style="list-style-type: none"> <li>▪ Person of Interest claimed her name was now Anna Schmidt;</li> <li>▪ Interviewed by Honorary Consul at Cairns Watch House. Reason for interview was to identify and provide German Consular assistance for their national;</li> <li>▪ Documentation faxed regarding proposed transfer of Ms Rau's (Anna Brotmeyer aka Schmidt) to Brisbane Women's Correctional Centre (BWCC) scheduled for 5 April 2004.</li> </ul>
3/04/2004	DIMIA Cairns	<p>Interviewed by DIMIA Officer –</p> <ul style="list-style-type: none"> <li>▪ Confirmed details previously provided. Claimed name in passport was Anna Schmidt when she left Germany.</li> </ul>
4/04/2004	DIMIA Cairns	<p>Interviewed by DIMIA Officer –</p> <ul style="list-style-type: none"> <li>▪ Provided with the opportunity to give any additional identity information prior to her planned transfer to Brisbane the following day.</li> </ul>
5/04/2004	DIMIA Brisbane	<ul style="list-style-type: none"> <li>▪ Ms Rau (Anna Brotmeyer aka Schmidt) transferred to BWCC by QLD Police Airwing;</li> <li>▪ Attempted to e-mail a person whose name was retrieved from Ms Rau's (Anna Brotmeyer aka Schmidt) personal possessions.</li> </ul>
7/04/2004	DIMIA Brisbane	<ul style="list-style-type: none"> <li>▪ Ms Rau (Anna Brotmeyer aka Schmidt) interviewed by DIMIA officer at the BWCC.</li> <li>▪ Anna claimed her last name was Schmidt and could not explain why she had used Brotmeyer. Also claimed to be 25 years of age. She gave details of her life residing on a farm near Dresden and described her arrival to Australia and her travels within Australia;</li> <li>▪ National Over-stayer Search Interface Engine (NOSIE) search completed based on details provided to DIMIA officer by Ms Rau (Anna Brotmeyer aka Schmidt) during</li> </ul>

Date	Office	Action
		an interview held at the BWCC.
29/04/2004	DIMIA Brisbane	<ul style="list-style-type: none"> <li>▪ Fax forwarded to Missing Persons Unit with Queensland Police – Names, aliases, dates of birth and photographs provided;</li> <li>▪ DIMIA also advised Unit that Ms Rau (Anna Brotmeyer aka Schmidt) had “allegedly travelled Sydney/Victoria/South Australia/Queensland over the past 12-18 months”;</li> <li>▪ A search was conducted on the internet to find what documents a German national would be issued in Germany.</li> </ul>
30/04/2004	DIMIA Brisbane	<ul style="list-style-type: none"> <li>▪ DIMIA officer attended BWCC with digital voice recorder. Ms Rau (Anna Brotmeyer aka Schmidt) declined to have the conversation taped;</li> <li>▪ Response from Missing Persons Unit advising of no record of such a person;</li> <li>▪ Case listed on DIMIA Queensland Detention Review report.</li> </ul>
11/05/2004	DIMIA Brisbane	<ul style="list-style-type: none"> <li>▪ Application for a German travel document faxed to BWCC to be given to Ms Rau (Anna Brotmeyer aka Schmidt) who gave consent for DIMIA to obtain the document. Application completed by Ms Rau (Anna Brotmeyer aka Schmidt).</li> </ul>
15/05/2004	DIMIA Brisbane	The application was not lodged as advice received from the German authorities was that it was incomplete.
19/05/2004	DIMIA Brisbane	Assessment by BWCC psychologist. Individual Management Plan– no further follow-up from Prison Mental Health Services required.
31/05/2004	DIMIA Brisbane	Case on DIMIA Queensland Detention Review report.
10/06/2004	DIMIA Brisbane	Discussion took place between DIMIA officer and BWCC regarding all female immigration detainees being held at BWCC at the time including Ms Rau (Anna Brotmeyer aka Schmidt).
30/06/2004	DIMIA Brisbane	Case on DIMIA Queensland Detention Review report.
7/07/2004	DIMIA Canberra	Case on agenda at Detention Review Committee (Central Office) meeting.
14/07/2004	DIMIA Brisbane	Email to the Principal Migration Officer, Australian Embassy Berlin. Photo and outline of Ms Rau’s (Anna Brotmeyer aka

<b>Date</b>	<b>Office</b>	<b>Action</b>
		Schmidt) background provided.
21/07/2004	DIMIA Canberra	Case on agenda at Detention Review Committee (Central Office) meeting.
31/07/2004	DIMIA Brisbane	Case on DIMIA Queensland Detention Review report.
4/08/2004	DIMIA Canberra	Case on agenda at Detention Review Committee (Central Office) meeting.
10/08/2004	BWCC	Seen by psychiatrist at BWCC and recommended for further inpatient assessment.
19/08/2004	DIMIA Brisbane	Documentation completed for transfer to Princess Alexandra Hospital.
20/08/2004	DIMIA Brisbane	Transferred to Acute Assessment Unit of Princess Alexandra Hospital.
26/08/2004	DIMIA Brisbane	Discharged from hospital. Summary notes state, in part, "...does not fulfil any diagnostic criteria for a mental illness."
31/08/2004	DIMIA Brisbane	Case on DIMIA Queensland Detention Review report.
10/09/2004	Consulate of the Federal Republic of Germany / DIMIA Brisbane	Honorary Consul contacted DIMIA officer in Brisbane to confirm intention to visit Ms Rau (Anna Brotmeyer aka Schmidt) at the BWCC on 17 September 2004.
17/09/2004	Consulate of the Federal Republic of Germany/ DIMIA Brisbane	Ms Rau (Anna Brotmeyer aka Schmidt) interviewed by the Honorary Consul Brisbane at the BWCC. Interview conducted at Ms Rau's (Anna Brotmeyer aka Schmidt) request.
23/09/2004	DIMIA Brisbane	Documentation sent to DIMIA Canberra requesting transfer to Baxter Immigration Detention Centre (IDF).
30/09/2004	DIMIA Brisbane	<ul style="list-style-type: none"> <li>▪ Case on DIMIA Queensland Detention Review report;</li> <li>▪ Visit to BWCC. Notice of intended transfer given to Ms Rau (Anna Brotmeyer aka Schmidt).</li> </ul>
6/10/2004	Baxter IDF/ DIMIA Canberra	<ul style="list-style-type: none"> <li>▪ Transfer to Baxter IDF by commercial aircraft;</li> <li>▪ International Health and Medical Services (IHMS) induction health assessment completed;</li> <li>▪ Case mentioned at Detention Review Committee (Central Office) meeting.</li> </ul>

<b>Date</b>	<b>Office</b>	<b>Action</b>
7/10/2004	Baxter IDF	Assessment by on-site Psychologist.
8/10/2004	Baxter IDF	Section 18 ( <i>Power to obtain information and documents...</i> ) letter provided to Global Solutions Limited (GSL) in order to gain access to Ms Rau's (Anna Brotmeyer aka Schmidt) possessions.
14/10/2004	Baxter IDF	Report prepared by Professional Support Services (PSS) psychologist.
15/10/2004	Baxter IDF	<ul style="list-style-type: none"> <li>▪ Behaviour Management Plan reviewed and amended;</li> <li>▪ Transferred to Red 1 Compound.</li> </ul>
20/10/2004	Baxter IDF/ DIMIA Canberra.	Interview held by DIMIA Canberra Officer at Baxter IDF.
21/10/2004	Baxter IDF	Behaviour Management Plan reviewed and amended. Attempts by Psychologist and GSL case manager to discuss plan and reintegration into Blue 1 Compound unsuccessful.
22/10/2004	DIMIA Canberra	E-mail sent to Principal Migration Officer Berlin requesting any information to enable DIMIA Canberra to contact a person whose name was found amongst Ms Rau's (Anna Brotmeyer aka Schmidt) belongings.
25/10/2004	DIMIA Canberra.	<ul style="list-style-type: none"> <li>▪ E-mail sent to two people listed on a book which was in Ms Rau's (Anna Brotmeyer aka Schmidt) property;</li> <li>▪ Behaviour Management Plan signed by Ms Rau (Anna Brotmeyer aka Schmidt) allowing her to transfer to Blue (Family) 1 Compound, however she refuses to move.</li> </ul>
27/10/2004	DIMIA Canberra	Case on agenda at Detention Review Committee (Central Office) meeting.
1/11/2004	Baxter IDF	Psychiatric assessment was arranged for the weekend of 6 November 2004.
6/11/2004	Baxter IDF	Assessment by IHMS Psychiatrist.
8/11/2004	Baxter IDF	New Behaviour Management Plan written and Ms Rau (Anna Brotmeyer aka Schmidt) transferred to Management Support Unit.
9/11/2004	Baxter IDF	Rural and Remote Mental Health Services (RRMHS) (Glenside Hospital) contacted regarding further assessment in psychiatric facility.

Date	Office	Action
10/11/2004	Baxter IDF	Behaviour Management Plan reviewed and amended - Ms Rau (Anna Brotmeyer aka Schmidt) refused to read and sign plan.
11/11/2004	Baxter IDF	RRMHS Psychiatrist to contact PSS Psychologist on 12/12/2004 regarding an assessment of Ms Rau (Anna Brotmeyer aka Schmidt).
12/11/2004	Baxter IDF	<ul style="list-style-type: none"> <li>▪ Transfer to Red 1 Compound;</li> <li>▪ Option of conducting psychiatric assessment in the alternative form of a tele-conference discussed with RRMHS.</li> </ul>
16/11/2004	Baxter IDF	<ul style="list-style-type: none"> <li>▪ Attempted interview held by DIMIA Baxter case officer - Ms Rau (Anna Brotmeyer aka Schmidt) advised she did not wish to speak to the case officer;</li> <li>▪ GSL officer advised DIMIA case officer of a conversation that had taken place on 15 November 2004 in which Ms Rau (Anna Brotmeyer aka Schmidt) began crying stating she wanted to return to Dresden for Christmas.</li> </ul>
17/11/2004	Baxter IDF	<ul style="list-style-type: none"> <li>▪ Documentation referring to earlier discussions regarding psychiatric assessment at Glenside and a number of reports faxed to RRMHS;</li> <li>▪ Transfer to Blue (Family) 1 Compound - Ms Rau (Anna Brotmeyer aka Schmidt) will be reviewed weekly.</li> </ul>
19/11/2004	Baxter IDF	<p>DIMIA case officer met with Ms Rau (Anna Brotmeyer aka Schmidt) and asked her to complete a German passport application.</p> <p>The case officer informed Ms Rau (Anna Brotmeyer aka Schmidt) that she wanted to help her to return to Germany as she had indicated that she would like to be home for a white Christmas. The case officer explained that she could only do this if DIMIA could positively identify her.</p> <p>Ms Rau (Anna Brotmeyer aka Schmidt) filled in the passport application with the assistance of a GSL officer.</p> <p>The application was not submitted to the German authorities as Ms Rau (Anna Brotmeyer aka Schmidt) stated she could not provide any documents of identification.</p>
22/11/2004	Baxter IDF/ DIMIA Canberra	<ul style="list-style-type: none"> <li>▪ Transfer to Management Support Unit;</li> <li>▪ Fax to Health Insurance Commission, Queensland, requesting section 18 search. The three aliases were given and dates of birth;</li> <li>▪ Similar requests faxed to Centrelink; Registrar, Births,</li> </ul>

Date	Office	Action
		Deaths and Marriages, Queensland; Driver and Vehicle Management, Queensland Transport.
29/11/2004	DIMIA Canberra	Email to Principal Migration Officer, Australian Embassy Berlin. Another possible name provided. This name was identified following examination of German over stayers report.
30/11/2004	DIMIA Canberra	Executive Detention Review Committee meeting briefed on ongoing efforts to identify Ms Rau (Anna Brotmeyer aka Schmidt)
1/12/2004	DIMI Canberra/ Baxter IDF	Transfer to Red 1 Compound.
2/12/2004	Baxter IDF	Behaviour Management Plan reviewed and amended.
3/12/2004	Australian Embassy Berlin/ DIMIA Canberra	<p>E-mail received from Principal Migration Officer, Berlin, stating the German Ministry of Foreign Affairs contacted the Embassy on 2 December 2004 to report they had received a letter from an Anna Schmidt addressed to the German Chancellor, Mr Schroeder.</p> <p>The letter states that the writer has been in Australia for around 15 months, six of those in detention at Baxter IDF, Port Augusta and would like a German passport to return home to Dresden.</p> <p>The German Ministry of Foreign Affairs indicated that the language of the letter suggested that Ms Schmidt was not fluent in German (or may not be literate if she has had no schooling), as the grammar was not correct.</p> <p>The German Ministry of Foreign Affairs was not able to provide a copy of the letter to the Australian Embassy.</p>
6/12/2004	DIMIA Canberra	Email to German Consulate General Melbourne - photostan sent, details provided by Ms Rau (Anna Brotmeyer aka Schmidt); claimed background history including parents' names, ex-partner's name and details of her upbringing.
9/12/2004	Baxter IDF	Behaviour Management Plan reviewed and amended - to remain in Red 1 Compound.
15/12/2004	Baxter IDF	Behaviour Management Plan reviewed and amended - to remain in Red 1 Compound.
28/12/2004	Baxter IDF	<ul style="list-style-type: none"> <li>▪ Interview held by DIMIA Baxter case officer. Issues discussed were related to accommodation matters;</li> <li>▪ Ms Rau (Anna Brotmeyer aka Schmidt) was again advised</li> </ul>



Date	Office	Action
		that searches had been conducted on the names she had given with no result and was again asked if she knew of anyone who could be of assistance. Again Ms Rau (Anna Brotmeyer aka Schmidt) said “no”.
31/12/2004	Baxter IDF	<ul style="list-style-type: none"> <li>▪ Review of all medical reports by PSS. PSS to follow up with further referral to Glenside Hospital;</li> <li>▪ Examination and review by nurse (possible foot injury).</li> </ul>
4/01/2005	Baxter IDF	<ul style="list-style-type: none"> <li>▪ Further correspondence to Glenside Hospital. Request for advice on management plan and bed availability faxed;</li> <li>▪ Behaviour Management Plan reviewed.</li> </ul>
5/01/2005	Consulate General of the Federal Republic of Germany, Melbourne	E-mail received from German Consulate General in Melbourne – checks had been completed with no result. Consulate stated definite identification could only be obtained from fingerprints.
6/01/2005	Baxter IDF	Discussion between Glenside and PSS. PSS request an urgent response and advice on Ms Brotmeyer. They also advise that the GP is intending to review Ms Brotmeyer on 7/01/05 to establish whether detention under the SA Mental Health Act is appropriate.
7/01/2005	Baxter IDF	<ul style="list-style-type: none"> <li>▪ Review by GP and nurse;</li> <li>▪ Consultation between PSS psychologist and Glenside psychiatrist – decision taken not to detain Ms Rau (Anna Brotmeyer aka Schmidt) under the Mental Health Act;</li> <li>▪ Ms Rau (Anna Brotmeyer aka Schmidt) refused voluntary psychiatric assessment.</li> </ul>
10/01/2005	Baxter IDF	Behaviour Management Plan reviewed and amended - Ms Rau (Anna Brotmeyer aka Schmidt) to remain in Red 1 Compound.
12/01/2005	DIMIA Canberra	<ul style="list-style-type: none"> <li>▪ Fax to the Registrar, Births, Deaths and Marriages, NSW requesting s18 search – The three aliases were given and dates of birth;</li> <li>▪ Similar facsimiles to Registrar, Births, Deaths and Marriages also sent to SA, Vic, NT, ACT, WA and Tasmania.</li> </ul>
14/01/2005 to 20/01/2005	Baxter IDF	Missing persons websites: The Vic, NSW, Qld, SA, WA, NT, ACT police and crime stopper websites as well as a number of other Australia wide missing persons websites including,

Date	Office	Action
		<p>(<a href="http://www.missingpersons.gov.au/missing.htm">http://www.missingpersons.gov.au/missing.htm</a>) were checked. DIMIA case officer at Baxter IDF searched these websites looking for descriptions and photos similar to Anna, paying particular attention to persons with Germanic and Polish names. The official and unofficial NSW Police missing persons websites contained approximately eight pages of missing persons listed, no match was found. The AFP website was also searched with no result.</p>
14/01/2005	Consulate General of the Federal Republic of Germany, Melbourne / Baxter IDF	DIMIA officer received an e-mail from a representative of the German Consulate stating final checks had been completed.
17/01/2005	Baxter IDF/ DIMIA Canberra	<ul style="list-style-type: none"> <li>▪ E-mail to the Principal Migration Officer, Australian Embassy Berlin, to request the office initiate request for identification with the Polish, Ukraine and Czech Republic authorities;</li> <li>▪ E-mail to Principal Migration Officer, Australian Embassy Moscow, requesting their assistance in identifying Ms Rau (Anna Brotmeyer aka Schmidt). Claimed bio-data and copies of photos sent;</li> <li>▪ Counselling with PSS psychologist declined by Ms Rau (Anna Brotmeyer aka Schmidt).</li> </ul>
18/01/2005	DIMIA Canberra	<ul style="list-style-type: none"> <li>▪ E-mail reply received from the Senior Migration Officer, Australian Embassy Berlin, advising a request to Polish authorities would be forwarded to the Australian Embassy in Warsaw. Ukraine checks to be completed through the Australian Embassy in Moscow. Australian Embassy in Vienna to be contacted regarding Czech republic enquiries;</li> <li>▪ Further e-mail sent to Principal Migration Officer, Australian Embassy Moscow, requesting checks also be conducted with the Ukraine and Czech Republic authorities.</li> </ul>
19/01/2005	DIMIA Canberra	<ul style="list-style-type: none"> <li>▪ E-mail sent to Principal Migration Officer, Australian Embassy Moscow, correcting the request to contact Czech Republic authorities. Confirmed request to liaise with Russian and Ukraine authorities;</li> <li>▪ E-mail sent to the Principal Migration Officer, Australian Embassy Vienna, requesting an attempt to identify person of interest in the Czech Republic. Claimed bio-data and copies of photos sent.</li> </ul>

Date	Office	Action
20/01/2005	Consulate General of the Federal Republic of Germany, Melbourne/ Baxter IDF	<ul style="list-style-type: none"> <li>▪ Ms Rau (Anna Brotmeyer aka Schmidt) contacted DIMIA case officer at Baxter IDF. She was upset and asked to speak to the German Consulate. A telephone call was arranged in which she spoke for approximately 10 minutes.</li> </ul> <p>Ms Rau (Anna Brotmeyer aka Schmidt) advised she wanted to go home and the DIMIA officer explained there had been difficulties in identifying her. Ms Rau (Anna Brotmeyer aka Schmidt) advised “yes, that has been a problem hasn’t it.” DIMIA officer asked if she could think of any information that may assist, Ms Rau (Anna Brotmeyer aka Schmidt) advised “no, not really”.</p> <ul style="list-style-type: none"> <li>▪ Consulate officer rang DIMIA case officer at Baxter IDF advising Ms Rau (Anna Brotmeyer aka Schmidt) had contacted the Consulate. The Consulate member advised they had explained to her that they were unable to assist unless she could provide more information in relation to her claimed German Citizenship;</li> <li>▪ Behaviour Management Plan reviewed and amended.</li> </ul>
21/01/2005	DIMIA Canberra	Discussion with Australian Refugee Association (ARA) regarding possible options of alternative detention for Ms Rau (Anna Brotmeyer aka Schmidt).
22/01/2005	DIMIA Canberra	E-mail received from the Senior Migration Officer, Australian Embassy Berlin, stating there was no record of the person of interest with the Polish authorities.
24/01/2005	Consulate General of the Federal Republic of Germany, Melbourne/ Baxter IDF/ DIMIA Canberra	<ul style="list-style-type: none"> <li>▪ The Consul advised that after extensive and final checks by the relevant authorities in Germany, it had not been possible to establish any verifiable indication that Ms Brotmeyer was a German citizen.</li> </ul> <p>Advising that “our hands are tied, since by international law the German Consulate General in Melbourne has no authority any more to continue activities in this matter.”</p> <ul style="list-style-type: none"> <li>▪ Discussion between DIMIA Central Office and head of Mental Health Services SA regarding admission to Glenside Hospital;</li> <li>▪ Further discussion with ARA regarding alternative detention;</li> <li>▪ Communication with Glenside to discuss the preferred process for admission.</li> </ul>
25/01/2005	Baxter IDF	Medical reports (same as those already provided on 17 November 2004) faxed to Director, RRMHS.

Date	Office	Action
27/01/2005	Baxter IDF	<ul style="list-style-type: none"> <li>▪ E-mail correspondence from Director, RRMHS, confirming inpatient assessment be pursued; GP advised to conduct review of mental state (on 31/01/2004) and that a psychiatrist with RRMHS would also be available for consultation;</li> </ul>
28/01/2005	Baxter IDF/ DIMIA Canberra	<ul style="list-style-type: none"> <li>▪ Attempt by DIMIA to contact RRMH Director to discuss availability of psychiatrist;</li> <li>▪ Enquiries with DFAT to establish identification;</li> <li>▪ Ms Rau (Anna Brotmeyer aka Schmidt) is being asked daily if she would like to be reintegrated into Blue (Family) 1 Compound. Reintegration unsuccessful.</li> </ul>
28/01/2005 (approximately)	Baxter IDF/ DIMIA Canberra	Australian passport application requested from DFAT for an alias name and a name similar to Ms Rau's (Anna Brotmeyer aka Schmidt) that had been found in an Immigration departmental system; for comparison.
31/01/2005	Baxter IDF/ DIMIA Canberra	<ul style="list-style-type: none"> <li>▪ Further reintegration into Blue 1 Compound over weekend unsuccessful;</li> <li>▪ GP assessment;</li> <li>▪ Management strategies discussed.</li> </ul>
Late January	Baxter IDF	Fingerprints requested from Ms Rau (Anna Brotmeyer aka Schmidt). She refused.
1/02/2005	DIMIA Canberra/ Baxter IDF	<ul style="list-style-type: none"> <li>▪ DIMIA RAW programme queried. Report ran for over stayers who had arrived between 1 January 2004 and 31 March 2004, for the following countries of citizenship: Czech Republic, Germany, Poland, Russia and Ukraine;</li> <li>▪ E-mail sent to Queensland police officer who initially made contact with Anna requesting any additional background details and possible investigative options;</li> <li>▪ Discussion with Director, RRMHS regarding GP's unsuccessful attempts to contact psychiatrist. Alternative specialist offered;</li> <li>▪ Ms Rau (Anna Brotmeyer aka Schmidt) seen by IHMS GP.</li> </ul>
2/02/2005	Baxter IDF	<ul style="list-style-type: none"> <li>▪ Further discussion with Director, RRMHS to arrange consultation with psychiatrist (Confirmed in email by Director of RRMHS)</li> <li>▪ Consultation between GP and Glenside Psychiatrist.</li> </ul>
3/02/2005	Baxter IDF /	<ul style="list-style-type: none"> <li>▪ Correspondence with the ARA confirming request to</li> </ul>

Date	Office	Action
	<p>NSW Police / DIMIA Canberra / SA Mental Health Authorities / SA Police</p> <p>NB: All times are Canberra times (i.e. time in SA would have been 30 minutes earlier)</p>	<p>develop alternative detention arrangements.</p> <p>.....</p> <ul style="list-style-type: none"> <li>▪ <i>Time not recorded:</i> Discussion with Director, RRMH, regarding probable transfer arrangements to Glenside Hospital.</li> <li>▪ <i>3.13pm:</i> Email from DIMIA Canberra to Baxter IDF and IHMS regarding transfer arrangements.</li> <li>▪ <i>3.15pm:</i> GP, nurse and psychologist attended Ms Rau (Anna Brotmeyer aka Schmidt).</li> <li>▪ <i>4.08pm:</i> IHMS contacted DIMIA Baxter IDF and DIMIA Canberra providing an update on transfer arrangements.</li> <li>▪ <i>4.30pm:</i> Order signed by Doctor to formally detain Ms Rau (Anna Brotmeyer aka Schmidt) under the SA Mental Health Act.</li> <li>▪ <i>4.47pm:</i> Email from Director of RRMHS to IHMS and DIMIA Canberra regarding transfer arrangements.</li> <li>▪ <i>7.15pm to 7.45pm, exact time not recorded:</i> DIMIA Manager Baxter advised GSL Management that following the identification of Ms Rau (Anna Brotmeyer aka Schmidt) as an Australian permanent resident she is no longer in immigration detention.</li> <li>▪ <i>7.15pm:</i> Handwritten diary note confirms DIMIA Canberra discussed developments regarding Ms Rau (Anna Brotmeyer aka Schmidt) identification with RRMHS in Adelaide.</li> <li>▪ <i>7.30pm:</i> Discussion between GSL Management and IHMS regarding progression of transfer in light of the identification of Ms Rau (Anna Brotmeyer aka Schmidt).</li> <li>▪ <i>7.45pm:</i> Discussion between IHMS and Glenside Hospital regarding progression of transfer in light of the identification of Ms Rau (Anna Brotmeyer aka Schmidt). Glenside confirms that detention under SA Mental Health Act to proceed.</li> <li>▪ <i>10.00pm:</i> Acting under the authority of the SA Mental Health Order, an ambulance from the Port Augusta Hospital, accompanied by the SA Police, assumed responsibility for Ms Rau (Anna Brotmeyer aka Schmidt). Ms Rau (Anna Brotmeyer aka Schmidt) transferred by ambulance to Port Augusta Hospital.</li> <li>▪ <i>10.00pm.10.30pm, exact time not recorded:</i> Director of RRMHS services return message from DIMIA Canberra and agrees to contact Ms Rau's parents in Sydney to</li> </ul>

Date	Office	Action
		<p>discuss Ms Rau's likely admission to Glenside Hospital.</p> <p>.....</p> <ul style="list-style-type: none"> <li>▪ 3.03pm: NSW Police contact DIMIA Manager Baxter IDF by email to question whether Anna Brotmeyer, (aka Schmidt) could be a missing person by the name of <i>Cornelia Rau</i>.</li> <li>▪ 4.20pm: DIMIA Manager Baxter IDF provide NSW Police with a photograph via email of Ms Rau (Anna Brotmeyer aka Schmidt) to forward to the Rau family.</li> <li>▪ 5.55pm: Email from NSW Police to DIMIA Manager Baxter IDF confirming that the photograph had been forwarded to the Rau family. A subsequent telephone call from the family to NSW Police advised that they were "100 per cent sure" that the person in the photograph was <i>Cornelia Rau</i>.</li> <li>▪ 6.00pm to 6.30pm: exact time not recorded: DIMIA Manager at Baxter IDF makes contact with Ms Rau's (Anna Brotmeyer aka Schmidt) mother in Sydney.</li> <li>▪ 7.00pm to 7.30pm, exact time not recorded: DIMIA Manager Baxter advised GSL Management that following the identification of Ms Rau (Anna Brotmeyer aka Schmidt) as an Australian permanent resident she is no longer in immigration detention.</li> <li>▪ 7.15pm: Handwritten diary note confirms DIMIA Canberra discussed developments regarding Ms Rau (Anna Brotmeyer aka Schmidt) identification with RRMHS in Adelaide.</li> <li>▪ 7.48pm: Email from DIMIA Manager Baxter IDF advising DIMIA Canberra and DIMIA Baxter of positive identification of Ms Rau (Anna Brotmeyer aka Schmidt).</li> </ul>

References used:

**ICSE:** Integrated Client Services Environment. ICSE is a Departmental system that records the lodgement and consideration of requests from clients for the Department's services.

ICSE is designed to record a variety of different transactions that occur throughout DIMIA, and contains a history of a client's dealings with DIMIA onshore. For example: Visa processing, Visa grant, applications and conferral of Australia citizenship.

**Movement Record:** A Departmentally maintained system which shows individuals dates and times of departure and arrival into Australia.

**RAW Program:** 'Overstayers' describe non-citizens suspected of remaining in the Australian community unlawfully after their temporary visa expires.

DIMIA has systems that produce counts of the number of people whose visas have expired where there is no record of those people having left the country. This count is referred to as the "raw count".

It is known that there are erroneous records on the systems that produce the raw counts (for example, where a dual national arrives and departs on different travel documents). DIMIA take a sample from these records every six months for the purpose of estimating the statistical adjustment that should be applied to the estimated number of over stayers.

**NOSIE 2:** The National Over stayer Search Interface Engine (NOSIE) is an application that allows compliance officers to search the over stayers file for over stayers with similar characteristics. The system enables compliance officers to confirm dob-in information, support compliance action, and identify over stayer trends.

NOSIE 2 was developed in 2004 to enable the application to function in the department's new web-based environment.

**Section 18:** Section 18 of the Migration Act 1958 refers to the giving of a notice under the section to persons who may have information which can be used to identify or reveal the whereabouts of unlawful non-citizens.

The purpose of the section is to allow for the gathering of information about unlawful non-citizens. If the Minister has reason to believe that a person has information and/or documentation that are "relevant to ascertaining the identity or whereabouts of another person whom the Minister has reason to believe is an unlawful non-citizen", then the Minister can issue a section 18 notice requiring the information to be given to the Minister.

**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(45) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 34) asked the department to make available a copy of the fax in which DIMIA requested the Coen Police to detain Ms Rau?

*Answer:*

A copy of the fax, with certain personal information deleted as appropriate, is attached.





Department of Immigration and Multicultural  
and Indigenous Affairs

COMMONWEALTH OF AUSTRALIA

MIGRATION ACT 1958

FAXED 1110 HRS

**REQUEST FOR OFFICER TO HOLD IN IMMIGRATION DETENTION**

Queensland Police Service  
OIC Coen Station

Ph  
Fax

I, \_\_\_\_\_ am an officer for the purposes of the *Migration Act*  
1958.

**Ms Anna BROTMAYER** born **21.03.1970** is held in lawful immigration detention  
under the Act, as:

he/she is known or reasonably suspected to be:

- an unlawful non-citizen; or  
 a non-citizen whose visa is liable for cancellation; or

he/she is known or reasonably supposed to be:

- a deportee

Section 5 of the Act specifies that you are an officer for the purposes of the Act and  
you are, therefore, authorised to lawfully hold him/her in immigration detention.

I hereby request that you hold him/her in immigration detention.

\_\_\_\_\_

31 March 2004

Office  
Mobile

Fax



Australian Government

Department of Immigration and Multicultural and Indigenous Affairs

---

**Facsimile Message**

---

**Date:** 31 March 2004

DIMA File: CLF2004/xxxxx

**Fax To:** QPS Coen

**Phone:**  
**Fax:**

**From:**  
Compliance Manager  
DIMIA Cairns QLD

**Phone:**  
**Mobile:**  
**Fax:**

**Number of Pages, including this sheet:** Three ( 3 )  
If you do not receive all pages, please telephone immediately.

**Request for Service - Unlawful Non Citizen for Transfer – Coen to Cairns**

Further to phone conversation, following is information relating to proposed transfer of immigration detainee **BROTMEYER, Anna 21.03.1970**.

It is requested that detainee be transported from **Coen Watchhouse** to **Cairns Watchhouse** by QPS when operational requirements permit.

DIMiA will meet all reasonable costs incurred by the Queensland Police Service in relation to the provision of this service.

If necessary to discuss further, please contact me on number/s above.

Cheers,

---

19 Aplin Street Cairns QLD 4870

PO Box 1269 CAIRNS QLD 4870 • Telephone 13 1 881 • Facsimile (07) 4051 0198 • Website: [www.immi.gov.au](http://www.immi.gov.au)



Department of Immigration and Multicultural  
and Indigenous Affairs

COMMONWEALTH OF AUSTRALIA

*MIGRATION ACT 1958*

**TRANSFER OF CUSTODY**

**Queensland Police Service  
OIC Coen Station**

Ph  
Fax

am an officer for the purposes of the *Migration Act 1958*.

You currently hold **Ms Anna BROTMAYER** born **21.03.1970** ("the detainee") in lawful immigration detention under the Act.

I hereby authorise you to transfer custody of the detainee to **QPS Cairns Watchhouse** when operational requirements of your region permit.

DIMIA Cairns

31 March 2004

Office:  
Mobile:

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(46) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 35) asked:

In relation to the fax sent by the DIMIA Compliance officer in Cairns to the Coen Police station in Cairns:

- (a) What name was used on the fax form in relation to the person we now know as Ms Rau?
- (b) Was it a standard form?
- (c) Who was it faxed by?
- (d) Who was it faxed to?
- (e) Was it the person the police had rung or was it another individual.

*Answer:*

(a) Ms Anna Brotmeyer, born 21.03.1970.

(b) There were two standard departmental documents faxed to the Queensland Police Service. The first form requested the Queensland Police Service hold Ms Anna Brotmeyer in Immigration Detention. The second form was an authorisation to transfer Ms Anna Brotmeyer to the Queensland Police Service's Cairns Watch house.

These documents are in Migration Series Instruction 234: *General Detention Procedures*.

(c) The DIMIA Compliance Manager, Cairns Office, Queensland.

(d) Both forms were sent to Queensland Police Service, Officer In Charge Coen Station.

(e) It was the same DIMIA officer the police had contacted in the first instance.

**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(47) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 36) asked:

When she (Ms Rau) was at the Coen police station, was she being held there on behalf of DIMIA by the Queensland Police?

*Answer:*

When Ms Rau (Anna Brotmeyer aka Schmidt) was at the Coen police station, she was being held there at the request of a DIMIA officer.

**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(48) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 36-37) asked:

Do you have a list of what the system checks were that were then undertaken by the DIMIA official? This is in respect of the phone interview at the Coen police station by Ms Rau and the DIMIA officials. Under what names were the checks done?

*Answer:*

Please refer to the details provided in response to your question 44.

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(49) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 37-38) asked:

What are the procedures and practices for checking the immigration status of a person when they are being taken into or held in immigration detention?

*Answer:*

In almost all cases, when a person is detained their identity and their immigration status are known.

Where identity and immigration status have not been positively confirmed, but the officer nonetheless has a reasonable suspicion that the person is an unlawful non-citizen, the person must be detained.

In such a case, efforts continue after detention to establish the person's identity and immigration status. The precise checks undertaken to establish the identity and immigration status of a person vary from case to case, depending on the information available initially and from progressive checks.

In the first instance, key departmental databases are checked:

- The Integrated Client Service Environment is a names-based system that records our dealings with non-citizens including up to the grant of citizenship. Accordingly, if a person's name is correct, it would normally establish the basis on which they are in Australia including whether they had been conferred with Australian citizenship.
- The Movements Database, again organised on a names basis, records movements across our borders. It also allows electronic viewing of a passenger card, if name or date of travel can be confirmed.
- Overstayer files are established through the Movements Database by the matching of movements across the border with the right of those persons to remain in Australia. These files can be interrogated in a number of ways, including by name and citizenship.

Also, contact is made with authorities of countries of claimed or suspected nationality. This may involve contact with a country's diplomatic authorities in Australia or authorities in that country, as appropriate.

If such inquiries do not bear fruit, searches are broadened to any line of inquiry that

the officer considers to be relevant to the circumstances of the case. This may include checks with a range of State and Commonwealth authorities, such as Centrelink, the Health Insurance Commission, police and registration and licensing authorities. Even though officers reasonably suspect based on the weight of available information that a person is an unlawful non-citizen, as in this case, they often include checks that may establish that the person is lawfully in Australia, as this possibility would not be ruled out.

Checks are made using names, aliases and biodata given by the person and any other names or details that officers have reason to suspect are relevant. This may include, for example, international movement details provided by the person, details from a passport or other documents in other names found in their possession. If alternative names or other relevant data subsequently come to light, checks are re-done using those further details.



**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(50) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 38) asked:

What time was Ms Rau interviewed by the DIMIA officer after she arrived in Cairns?

*Answer:*

Departmental records do not indicate the exact time the interview on 1 April 2004 occurred.

**QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 15 February 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(51) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 38) asked:

Was a DIMIA official at the Cairn's watch house at 2am to meet Ms Rau?

*Answer:*

No. Standard practice is that a DIMIA official will visit shortly after arrival and reception into the Cairns watch house. This is usually during business hours.