

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 13 February 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(47) Output 1.3: Enforcement of Immigration Law

Senator Kirk asked:

Senator Kirk also asked – Does Pakistan have an arrangement for forced deportations to their country? And did the Pakistan High Commission ask to interview any members of the Bakhtiyari family before issuing emergency Pakistan travel documents?

It was answered that Australia does not have an agreement for forced returns to Pakistan from Australia and that the Pakistan High Commission did not request to interview the Bakhtiyari family before issuing emergency travel documents.

Further, Senator Kirk asked:

What type of travel documents accompanied the Bakhtiyari family and gave them authority to be removed from Pakistan? Is the Minister willing to provide a copy of the travel documents used by the Bakhtiyari family to enter Pakistan for scrutiny?

It was answered that the Bakhtiyari family held Pakistan emergency travel documents issued by the Pakistani Government for one way travel, copies of which were provided. It is standard practice for countries to issue one way travel documents in these sort of circumstances, in particular where people do not have their original passports.

In answers to those questions it is stated that no-one from Pakistan ever interviewed any member of the Bakhtiyari family, that forced returns to Pakistan are not permitted by law and that travel documents were then issued to the family by the Pakistan High Commission.

- How was the family's immigration cleared in Pakistan with documents stating "refused to sign" and in the case of Roqia and the children not stamped by the High Commission in Canberra?
- Who issued these documents as they state "this is not conclusive evidence of the fact of the Pakistani citizenship" and "this emergency passport must be handed into immigration on arrival" and the family were in the airport for more than a day?
- How many other people have been deported to other countries by force with documents marked "refused to sign" and especially in countries where there are no agreements for forced returns.
- As the Bakhtiyari family arrived on two different boats without documents, for which they were placed in detention, how could Pakistan issue emergency documents for people who did not at any time carry or be entitled to such passports?

Answer:

The Department has not been advised by the Government of Pakistan that it is against Pakistani law to return people involuntarily to Pakistan.

The Bakhtiyari family were immigration cleared by the Pakistani authorities on arrival in Pakistan as they were recognised as Pakistani nationals who were holding acceptable travel documents. The refusal to sign the document by Mr Bakhtiyari did not invalidate the document. It is the Government of Pakistan's decision as to whether it issues a travel document without a signature.

The travel document held for Roqia and the children was stamped five times over each photograph and also has the authorised issuing officer's stamp. All of the stamps were placed on the document by the Pakistan High Commission in Canberra.

The emergency travel documents were issued by the Government of Pakistan through its High Commission in Canberra and are for emergency travel of people who have lost their passport. These documents are not used to prove identity of the holder. They are used to facilitate one way travel to holders who have already been confirmed as Pakistani nationals.

The Department does not have statistics on involuntary removals where the person refused to sign their travel document or travel document application.

The Government of Pakistan issued the Bakhtiyari family with travel documents as they had been confirmed as Pakistani nationals. It is not uncommon that a person who arrives in Australia without a travel document is later identified by their government.