

## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 12 February 2007**

**IMMIGRATION AND CITIZENSHIP PORTFOLIO**

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

Senator Kirk asked:

In relation to answers given to Question 220

*Who went to Quetta and when to retrieve the document?*

*Answer: Question 120*

*The First Secretary of Immigration in Islamabad made investigations in Quetta in September 2002. He also tasked a locally engaged compliance assistant to undertake investigations in 2002. The documents in question were sent from the National Database and Registration Authority (NADRA) and National Identity Card (NIC) Office in Quetta to the Australian High Commission in Islamabad where they were received on 2 December 2002.*

*It is understood that records show that Ali Asqar Bakhtiyari was given a copy of the Pakistan ID document on Friday 30 August, 2002. He responded on 20 September affirming the person from Pakistan was not him. On 15 October 2002 Mr John Caspersson wrote to DIMA from Islamabad stating he had collected the Pakistan ID on 20 and 22 August 2002 and sent a copy of the document which differed from the one presented on 30 August.*

*It is understood that DIMA sent a further cancellation notice on 25 October, 2002 and Ali Asqar Bakhtiyari responded on 8 and 11 November and 3 December. He was arrested and detained in Villawood on 5 December 2002.*

*Records show that there was a different translation to this third copy of the document and that the translation included education standard. Records also show that DIMA were advised of this discrepancy at both RRT hearings for Mr Ali Asqar Bakhtiyar and apparently ignored them. An affidavit by Mr Hassan Ghulam was also sent to the department in June 2004 pointing out the problems with the documents.*

*In the RRT decision of 25 August 2003, Mr Giles Short said on pages 30/31 that "it would be unsafe to say that the photo on the Pakistan ID was the applicant".*

*Can the Department explain?*

- 1. The document for Mr Asghar Ali Bakhtiri with ID number 601-59-056905?*
- 2. Its claim that it only received the Pakistani document on 2 December 2002?*

*Answer:*

1. *There are two documents for Mr Asghar Ali Bakhtiari with ID number 601-59-056905. The documents were his father's family registration documents from 1973 and 1982 which included the number 601-59-056905 as Mr Bakhtiari's National Identity Number.*

2. *There were a number of documents obtained by the Department over a period of time during investigations to confirm details of the Bakhtiari family. The documents received on 2 December 2002 were the copies of Mr Bakhtiari's father's family registration forms from 1973 and 1982. The document previously received by the Department and provided to him on 30 August 2002 was a copy of a National Identity Card application for registration, which Pakistan nationals can apply for when they are 18 years old.*

1. The document in question has a translation dated 21 August 2002. Can the Department explain how it had this document translated on that date and how it can claim it did not receive it until 2 December?

2. Why did the Department proceed with two documents with two different ID's?

3. As the second one is the only one approximating the name Bakhtian, in fact it is Bakhtiri, and was not used in considerations, why was it used?

4. Please explain the two different ID numbers, two different ages, and two different sets of families as outlined.

Father: Hussain Ali, DOB 1909, S/O Bakhtiari, ID 601-09-056902, translated 22-8-2002 by Shamim Ahmed NAATI number 21985

OR

Husain Ali, HH no. 012818. Translated by Shamim Ahmad NAATI 21985, 21-2-2002.

Mariam Husain Ali, DOB 1956, ID 601-57-056904

Maryam, DOB 1956, ID 601-56-18874

Ghazanfar Ali, DOB 1966, ID 601-67-056908

Ghazanfar Ali, DOB 1964, No ID number

Sikander Ali, DOB 1962, ID 601-63-056907

Sikander Ali, DOB 1968, ID 601-60-056907

Asghar Ali Bakhtiri, DOB 1958, ID 601-59-056905

Asghar Ali, DOB 1957, ID 601-57-188722

5. All were translated and presented to Mr Bakhtiyari in August 2002 by the NAATI translator listed. Can the Department explain why two different sets of documents with two different families, two different ID numbers and other details were considered to be genuine even though they are unsigned and according to the Pakistan NADRA out of date by 30 years?

6. Can the Department explain why only the number 601-57-188722 was considered in all proceedings to be Mr Bakhtiyari yet the name of the ID was not Bakhtiyari?

7. Can the department explain why the travel documents state "this is not a verification that the person is a Pakistani citizen"?

8. Can the Department explain why it had to be handed in on arrival and expired on 22 January 2005, leaving the family with no papers in Pakistan?

9. Can the Department explain where the details of Mrs Bakhtiyari enter into this or the lives of young children whom DIMA stated on 22 March 2001 "were from Afghanistan"?

*Answer:*

1. – 9. The Department of Immigration and Citizenship holds in excess of 80 files for the Bakhtiyari family. The Department does not have the requested information readily available and to collate this information would involve a manual examination of each individual file. The work required would be an unreasonable diversion of departmental resources.