

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARINGS: 21 FEBRUARY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(290) Program 4.3: Offshore Asylum Seeker Management

Senator Cash asked:

Following the arrival of SIEV 221, how many SIEVs were taken straight to the mainland instead of Christmas Island?

What are the legal implications under the Migration Act of taking a SIEV straight to the mainland as opposed to Christmas Island?

Answer:

Following the arrival of Suspected Illegal Entry Vessel (SIEV) 221, clients from four SIEVs were transported to the mainland. These clients entered the migration zone at Ashmore Islands and are therefore treated as offshore entry persons under the Migration Act.

A person who enters Australia at an "excised offshore place", such as Christmas Island, has the status of an "offshore entry person". A person who enters Australia at a place other than an excised offshore place, for example the mainland, would not have this status.

A person who has the status of "offshore entry person" is unable to apply for a visa under the Migration Act unless the Minister lifts the bar on application (section 46A).