

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(AE12/0257) Program 2.1: Refugee and Humanitarian Assistance

Senator Cash asked:

Has the department assessed any applications from IMAs for complementary protection? How many have satisfied that criteria and been given a permanent protection visa and over what period of time?

Answer:

Three permanent visas were granted to IMAs found to engage Australia's *non-refoulement* obligations under Australia's broader human rights treaty obligations, between 21 December 2010 and 2 February 2012. Three further IMAs were found to engage Australia's *non-refoulement* obligations under these treaties in that time and their cases are undergoing further stages of consideration or processing.

None of these cases were considered under the complementary protection legislation which came into effect on 24 March 2012. Rather, they were considered as part of International Treaties Obligations Assessments (ITOA's), which were conducted after the IMAs had been found not to be refugees through the Protection Obligations Determination process (POD).

ITOA's considered whether a case engaged Australia's complementary protection obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and the *International Covenant on Civil and Political Rights* or whether the case contained any unique and exceptional circumstances.

The new complementary protection process is designed to ensure that these treaty obligations will be able to be considered by decision-makers at the beginning, rather than the end, of the assessment process.