

## QUESTION TAKEN ON NOTICE

### ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### (AE12/0267) Program 3.1: Border Management

Senator Cash asked:

Recent media reports have highlighted a number of high risk individuals with criminal records entering Australia through New Zealand. What checks are made on New Zealand citizens and permanent residents currently entering Australia under the special arrangements?

*Answer:*

All non-Australian citizens wishing to enter or remain in Australia must satisfy the relevant character provisions of the *Migration Act 1958* (the Act). The Department takes this requirement very seriously across its programs.

In relation to trans-Tasman travel, the arrangement existing since 1994 has allowed New Zealand citizens to enter Australia on a Special Category Visa (SCV) to visit, live and work, without the need to apply before travelling. In effect, the SCV allows the holder to remain in Australia indefinitely while they are a New Zealand citizen, however it is not a permanent visa.

On arrival, various checks are performed, including the traveller providing a declaration on the incoming passenger card in relation to criminal convictions. Section 102 of the Act requires non-citizens to fully and correctly answer all questions on the incoming passenger card. Failure to do so is a ground for visa cancellation under section 109. It is also an offence to fail to complete a passenger card where a person is required under migration legislation to do so. Checks are also made against the Department's alert list. The Department may also request information from the New Zealand authorities.

New Zealand citizens who have been sentenced to imprisonment for periods of 12 months or more are considered behaviour concern non-citizens. Behaviour concern non-citizens are not eligible for the SCV. Those found not eligible for the SCV may be refused entry to Australia. In addition, SCVs like other visas may be cancelled subsequent to arrival if new information becomes available in relation to their criminal history.

Where a person is found to fail visa requirements on either side of the Tasman there is always close cooperation to return them to their country of citizenship.