

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(AE12/0390) Program 4.2: Onshore Detention Network

Senator Cash asked:

On 15 November 2011 the "West Australian" reported that an Iranian asylum seeker, Alexander Dianati was arrested for arson.

1. What is Mr Dianati's current situation?
2. Has he been charged?
3. Will the department be recommending to the Minister that Mr Dianati be refused a visa under the provisions of s.501?

Answer:

1. For privacy reasons the department is unable to provide details about Mr Dianati's current visa status.
2. Questions in relation to charges over alleged criminal activity should be referred to the Australian Federal Police and Commonwealth Director of Public Prosecutions, as the relevant agencies responsible for these matters.
3. A visa applicant does not fail the Character test as defined in section 501 of *the Migration Act 1958* if they have only been charged with a criminal offence. Where a visa applicant has an outstanding criminal charge, a decision on their visa application would not be made until the charge has been resolved in the courts.