

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(AE12/0503) Program 4.1: Compliance and Case Resolution**

Senator Hanson-Young asked:

Criminal Justice Stay Certificates: What sort of certificates are people being held on while they are in ID? How many kids are on criminal justice visas? How long are they in effect? Who signs off on them? Are there boys in Berrimah House held without charge? How long have they been there?

*Answer:*

The issuing of criminal justice stay certificates (CJSCs) and granting of criminal justice stay visas (CJSVs) are solely for the purposes of the criminal justice system, not the migration system nor civil matters. CJSCs are issued by the Attorney-General's Department (AGD) at the request of the Australian Federal Police to facilitate the stay in Australia of persons where they are required for the administration of criminal justice. Individuals are not held in immigration detention because they are the subject of a CJSC, but rather they are detained because they are unlawful non-citizens.

On 8 December 2011, the Australian Government implemented new arrangements in relation to crew of suspected illegal entry vessels who are minors. Under these new arrangements, crew who are found to be minors following a DIAC Age Determination process are returned to their country of origin without referral to the AFP unless they are either a repeat offender or a serious incident, such as serious harm or death, occurred on the vessel they crewed to Australia.

There are currently three people who, upon their arrival in Australia, claimed to be minors and who are now the holders of CJSVs. All three are in criminal custody having been convicted of people smuggling offences.

There is no standard period of effect for either a CJSC or a CJSV. If a CJSC issued in respect of an individual is cancelled then, if they are the holder of a CJSV, the CJSV is also automatically cancelled.

CJSCs for IMA crew are issued by the AGD. CJSVs are granted at the discretion of the Minister or a delegate of the Minister under section 159 of the *Migration Act 1958* pending the satisfaction of the criteria for grant.

There are currently no clients accommodated at Berrimah House as it is undergoing refurbishment.