

## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARINGS: 11 February 2013**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(AE13/0205) PROGRAM – 4.3: Offshore Asylum Seeker Management**

Senator Cash (Written) asked:

What has been the cost to the department of defending and funding protection claims from asylum seekers who are IMAs in 2012-13 to date? What is the budgeted cost for 2013-14? At what stage of the process does the legal funding to IMAs cease? Do they have access to funding to pursue claims through the RRT? The courts? If not, who funds these cases?

*Answer:*

The Department funds assistance to Irregular Maritime Arrivals (IMAs) who are making claims for protection by Australia. The assistance is provided by registered migration agents under the Immigration Advice and Application Assistance Scheme (IAAAS). The advice is not legal advice. IAAAS services are available at both the primary and review stages of the protection claims process. This includes appeals to the RRT, for those IMAs who are eligible to apply to the RRT.

In 2012-13, expenditure on IAAAS advice and assistance for IMAs amounts to \$16.2 million, as at 31 January 2013.

The projected expenditure in 2013-14 is \$27 million.

Costs associated with appeals to the courts by IMAs are not met by the IAAAS. However, under a scheme called the Legal Advice Scheme (LAS) some IMAs seeking judicial review in New South Wales and Western Australia receive legal advice funded by the Department. This legal advice is provided by members of a panel of independent legal practitioners and does not result in LAS funding legal representation before the courts. There is no specific DIAC budget amount for this scheme and, in relation to people who have accessed the scheme, there is no specific data on IMAs.