

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARINGS: 11 February 2013

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(AE13/0349) PROGRAM – 2.1: Refugee and Humanitarian Assistance

Senator Cash (written) asked:

How many IMAs, if any, have already applied for ministerial intervention? Are only those that arrived after 24 March 2012 able to access ministerial intervention or those who arrived prior to that date? Can you clarify exactly which cohorts will be eligible for access to the RRT and subsequently the courts and ministerial discretion? How many people do you expect that will entail? If each of them utilises every form of review, how long do you think they will remain in Australia? Are these costs reflected in the budget? How much did this cost in 2011-12 and 2012-13 to date? How much additional cost has been budgeted for 2013-14?

Answer:

Ministerial intervention statistics are released on a six monthly basis and published on the DIAC website at: <http://www.immi.gov.au/media/publications/statistics/ministerial-intervention/>. These statistics do not separately identify requests made by IMAs.

Before 24 March 2012, IMAs could not request Ministerial intervention under section 417 or section 48B of the *Migration Act 1958* (the Act). IMAs who arrived on or after 24 March 2012 but before 13 August 2012 are being considered through the statutory Protection Visa (PV) process. IMAs who arrived before 24 March 2012 but who had not been interviewed under the Protection Obligations Determination (POD) process by that date are also being considered under the statutory PV process. IMAs whose applications for protection are decided under the statutory PV process will have access to merits review, judicial review and Ministerial intervention.

The number of IMAs who may access merits review by the RRT, judicial review or MI depends on a number of factors. It is not possible to predict with any reliability how long these processes may take. Review applications and MI requests from eligible IMAs are treated in the same way as those from any other eligible person and it is not possible to separately identify the associated costs.

It is not possible to separate out the cost of administering the single assessment regime from 24 March 2012 – 30 June 2012 as many of the resources attributable to it were simultaneously engaged in transitional activities between the two regimes.

The Annual Report (<http://www.immi.gov.au/about/reports/annual/2011-12/pdf/report-on-performance.pdf>) indicates on page 37 the cost of the program for 2011–12. Final figures for 2012–13 will be published in the 2012–13 annual report on the DIAC website.

These costs are a component of the total funding provided for the care and management of Irregular Maritime Arrivals (IMAs). The budget for IMAs is developed using a financial estimates model based on IMA arrivals and average occupancy rates across all forms of immigration detention throughout the year.

The current estimated costs for the care and management of IMAs in the 2013-14 financial year is \$1,279.781 million. Estimates are regularly reviewed as part of the Budget process and are dependent on client arrival rates, the client cohort and average occupancy numbers in all placement options.