

**QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 26 May 2004**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(17) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Bartlett (L&C 30) asked:

How many people on Nauru have lodged an application for a special humanitarian visa?

*Answer:*

People who wish to apply for a special humanitarian visa must lodge an application for a Refugee and Humanitarian (Class XB) visa.

As at 18 June 2004, the asylum seeker population on Nauru was 260 people. As at that date, 49 such applications representing 115 people in total had been lodged.

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**(18) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Bartlett (L&C 31) asked:

When did the identity unit in Afghanistan become operational?

*Answer:*

The Identity Checking Unit (IDCU) was fully established by 3 January 2004. From subsequent communications received by the Department, it appears that the IDCU became fully operational during February 2004. The formal opening ceremony for the IDCU was conducted on 2 May 2004.

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### **(19) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Kirk (L&C 84) asked:

What access do temporary visa holders in regional areas have to social security payments and Medicare payments? Provide the breakdown of the categories of visa and what the entitlements are.

*Answer:*

Centrelink and Medicare make no distinction between people living in regional areas and those in urban areas as far as their entitlements are concerned.

In general, Centrelink payments are available to people who reside in Australia and are either Australian citizens or holders of permanent visas.

However, Centrelink also regards the holders of a number of temporary visas as meeting residence qualifications for:

- Special Benefit;
- Job matching;
- Rent assistance;
- Child care benefit;
- Health care card;
- Double orphan pension;
- Maternity allowance;
- Maternity immunisation allowance;
- Pharmaceutical allowance; and
- Telephone allowance.

Those temporary visas are:

- Subclass 309 – Spouse (Provisional),
- Subclass 310 – Interdependency (Provisional),
- Subclass 447 – Secondary Movement Offshore Entry (Temporary),
- Subclass 451 – Secondary Movement Relocation (Temporary),
- Subclass 785 – Temporary Protection,
- Subclass 786 – Temporary (Humanitarian Concern),
- Subclass 820 – Spouse,
- Subclass 826 – Interdependency (Provisional), and
- Criminal Justice Stay held by an alleged victim of people trafficking, sexual servitude or deceptive recruiting.

The holders of temporary humanitarian visas, namely subclass 447, 451, 785 and 786 visas, are exempt from the newly arrived residents waiting period (NARWP) for Special Benefit payments. Unless there is a substantial change in their circumstances, holders of the other temporary visas are subject to the NARWP.

Medicare is available to Australian citizens and permanent residents, and to temporary residents who:

- are living in Australia; and
- have applied for a permanent visa other than a parent visa and the application has not been withdrawn or finally determined; and
- hold any visa with permission to work in Australia; or
- hold any visa and their parent, spouse or child is an Australian citizen or permanent resident.

Medicare is available to holders of the following temporary humanitarian visa subclasses:

- subclass 785 Temporary Protection visa holders; and
- holders of the following temporary humanitarian visas if they are included in the Schedule attached to the relevant Ministerial Order:
  - Subclass 447 – Secondary Movement Offshore Entry (Temporary)
  - Subclass 451 – Secondary Movement Relocation (Temporary)
  - Subclass 786 – Temporary (Humanitarian Concern)

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### **(20) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig (L&C 95) asked:

What proportion of the current humanitarian intake is estimated to be between the ages of 16 and 24?

*Answer:*

#### Offshore Resettlement

In 2002-03, a total of 2,205 persons aged between the ages of 16 and 24 were granted visas under the offshore resettlement program. This represents 18.9 per cent of the total offshore program of 11,656 grants for the 2002-03 program year.

As at 31 May 2004, a total of 2,024 persons aged between the ages of 16 and 24 were granted visas under the offshore resettlement program since 1 July 2003. This represents 21 per cent of the total offshore program of 9,653 grants as at 31 May 2004.

#### Onshore Protection

In 2002-03, a total of 110 persons aged between the ages of 16 and 24 were granted temporary and permanent protection visas. This represents 12.7 per cent of the total of 866 onshore protection visas granted for the 2002-03 program year.

As at 31 May 2004, a total of 82 persons aged between the ages of 16 and 24 were granted protection visas onshore since 1 July 2003. This represents 12 per cent of the total of 682 onshore protection grants as at 31 May 2004.

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### **(21) Output 1.2: Onshore Protection**

Senator Buckland asked:

- (1) Can you tell me what measures are taken to ensure that DIMIA appointed interpreters will always act objectively and without bias when interpreting for the purpose of what these people are life decisions?
- (2) Does DIMIA take into account different cultural views when selecting interpreters for interviews and tribunal hearings?
- (3) I am aware that DIMIA has on at least one occasion ignored requests from the Ombudsman who was seeking justice for an unaccompanied minor. Are the Minister and the department immune from the requirement to cooperate with the Ombudsman?

*Answer*

(1) Interpreters from the Translating and Interpreting Service (TIS) are used whenever available, for the conduct of protection visa interviews. The TIS employs interpreters with professional accreditation from the National Accreditation Authority for Translators and Interpreters (NAATI) and operates under strict ethical standards governing the conduct and use of interpreters and translators to ensure professional standards of competency and integrity. This provides assurance that interpreting will be of an acceptable standard and that it will be objective and without bias.

The role of an interpreter at a protection visa interview is solely to provide interpretation. They have no role in visa decision-making. Interpreters must be impartial and neither add to, nor omit from, the questions and answers provided at interview. There is no discussion between the case manager and the interpreter on the merits or the likely outcome of the case.

To ensure reliability of the interpretation, all protection visa interviews are taped.

(2) DIMIA does not select interpreters used in tribunal hearings.

All protection visa applicants are asked in the letter notifying them of their DIMIA interviews whether they need an interpreter and, if so, for which language and dialect. They are also asked if they have any other requirements for the interview, for example, if they would like to have an interpreter of the same gender.

If a Protection Visa applicant disagrees with the use of a particular interpreter by DIMIA on the basis of an interpreter's cultural background or any other reasons, the case manager will try to resolve the situation or make alternative interpreter arrangements if these can reasonably be made and if the basis for objection is persuasive.

Ultimately, however, it is for the case manager to be satisfied as to the effectiveness and appropriateness of the interpreter. It should not be assumed that protection visa applicants have some entitlement to nominate an interpreter of a preferred ethnicity or cultural background. Wherever possible DIMIA uses the Translating and Interpreting Service. The interpreters used by DIMIA are professional and are bound by a strict code of ethical conduct.

(3) The Department is unable to comment on the case, as it is unable to identify the complainant from the material supplied in the Question taken on Notice. Should the honourable Senator's office provide more details, the Department will further investigate.

The Ombudsman can investigate the administrative actions of the Department, including advice given to a Minister. Within the context of the full range of its legal obligations, the Department must and does cooperate with Ombudsman enquiries and investigations.

The Department welcomes the Ombudsman's scrutiny as indicated by a strong and open working relationship that has been acknowledged by the Ombudsman on a number of occasions.

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### **(22) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Ludwig asked:

#### ***'Australia says YES to Refugees' School Kit***

Would like to clarify that the Kit was developed under the instruction of the Minister and she had final approval of the content.

- (1) Can you advise when this Kit was developed?
- (2) Was the development of the Kit initiated by the Minister or her office?
- (3) What was the rationale given for the Kit?
- (4) Are you aware the Minister received letters from primary school children condemning the detention of children?
- (5) Has the Department received similar correspondence?
- (6) What has been the Department's reaction previously to such correspondence?
- (7) Were primary school children specifically targeted?
- (8) Has the Kit been sent to every primary school in the country?
- (9) Did the Minister or her office provide writing instructions for the content of the Kit?
- (10) At what stages throughout the development of the Kit did the Minister or her office consider the content?
- (11) Did the Minister or her office have final approval of the content?
- (12) What was the total cost for the development, printing and distribution?
- (13) Have any Kits been returned to the Department?
- (14) Has the Department received any feedback from schools on the Kit? Has this been negative or positive?

*Answer:*

- (1) The kit was developed between January-April 2004.



(2) The idea for the kit was jointly initiated during discussions between the Minister's office and the Department commencing January 2004.

(3) The kit was produced to inform people about how the Australian Government helps refugees.

(4) Yes.

(5) Yes.

(6) The Department responds to correspondence by providing factual information on issues raised by the correspondent, for example, about refugee and humanitarian programs or detention policy. The kit complements other sources of information on these issues.

(7) There are two versions of the kit, one for primary school children and a more comprehensive kit for high schools. The kits were distributed to all schools and P&C Associations in Australia.

Other groups to receive the kits included Migrant Resource Centres, departmental staff and overseas posts, a number of non-government organisations, state government education departments and individual requests.

(8) Yes. The Department was provided with a commercially available mailing list of primary schools.

(9) No.

(10) An initial concept was first provided to the Minister's office in January 2004. The Minister cleared the final version in April 2004.

(11) Yes.

(12) There was no direct cost for the development of the kits. The cost of printing the kits was \$58,487. The cost of distributing the kits was \$42,017.

(13) About 50 kits were returned to the Department, as they were incorrectly addressed. A small number of kits were returned by some recipients.

(14) Out of a total of 28,000 kits the Department has received less than ten letters and a small number of phone calls. There has been both negative and positive feedback.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(23) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 6) asked:

In respect of the Institute of Continuing Education at the University of Queensland and the provision of an English language training program for Indonesian Imigrasi officials, was it tendered to the University of Queensland? Will it be retendered?

*Answer:*

A notice was placed on the Australian Education International website for expressions of interest from ELICOS providers to provide English language tuition to Indonesian immigration officials. Following a tender evaluation process, the University of Queensland was selected from the expressions of interest submitted by providers as being able to deliver the most effective cost-value program.

No decision has been taken on the delivery of the forward program.

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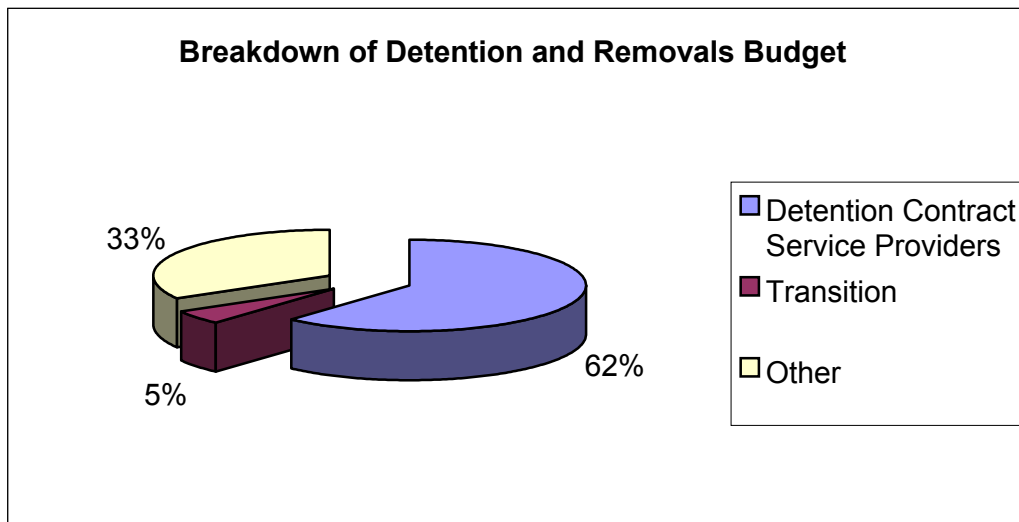
**(24) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 7) asked:

How much of the Department of Immigration budget for detention facilities is received by Group 4? Is there a breakdown like a pie chart as to how that mix of costs is made up?

*Answer:*

Payments to the service providers (both ACM/GEO and GSL in 2003-04) are for provision of a range of services including accommodation, security, food, health, recreation and education. The chart below identifies a break up of cost in relation to the detention and removals budget. The major components relate to the service providers, transition and other expenses. Other expenses include removals, divisional staff costs, repairs and maintenance, and alternative detention costs.



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### **(11) Output 1.1: Non-Humanitarian Entry and Stay**

Senator Kirk asked:

- (1) Has there been a noticeable increase in student visa cancellations since the Government announced changes to the proof of financial security a student must provide when applying for the visa?
- (2) Is the Department aware of severe financial difficulty some students face when they commence study in Australia?
- (3) Does the Department consider such financial hardship more significant in regional towns where there is higher unemployment?
- (4) Has the Department undertaken activity with any Australian University to work resolving this problem?

*Answer:*

(1) The financial capacity requirements for student visas were changed as part of the Overseas Student Program reforms introduced from 1 July 2001. The number of cancellations has increased since the introduction of the reforms resulting from a combination of improved reporting by providers, increased resources devoted to student compliance and a reflection of growth in the number of student visas granted. Although the number of cancellations has increased, the proportion of cancellations to grants has not changed.

It should also be noted that the number of cancellations is only a very small proportion of the total numbers of students granted a visa. During 2003-04 the number of cancellations to grants was approximately 5 per cent. Approximately 40 per cent of cancellations are due to students completing courses earlier or deciding to return home earlier.

(2) The assessment of financial requirements is designed to ensure that students have sufficient funds to cover the cost of their study and stay in Australia before they can be granted a student visa. The Department has heard anecdotally that some students face financial hardship. The Department is concerned if this anecdote is correct. DIMIA will investigate any such cases, but details are required in order to do this.

(3) No. Student visa financial requirements apply universally, irrespective of where the student intends to study. Calculations of living costs as part of the assessment criteria are the same whether the student intends to study in a city or a regional town. Travel, tuition and living expenses are likely to be lower for students in regional communities than those living in major cities. It should also be noted that

unemployment levels in some regional towns are in fact quite low.

(4) DIMIA and DEST are working together to develop better resources that overseas students can access if they experience difficulties, be they financial, social or psychological. DIMIA is also consulting with Industry and DEST on options that may help to prevent students getting into financial difficulties.

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### **(26) Output 1.3: Enforcement and Immigration Law**

Senator Kirk (L&C 9) asked:

Provide a table of the costs of litigation over the last five or 10 years.

*Answer:*

Set out below is a table of costs of litigation over the last five years. It should be noted that the number of matters resolved in this time frame has increased significantly from 1,384 in the year 1999-00 to 4,887 this financial year as at 31 May 2004.

Financial Year	External Costs	Internal Costs	Total
1 July 2003 to 31 May 2004	\$27m	\$5m	\$32m
2002/2003	\$21m	\$4m	\$25m
2001/2002	\$16m	\$4m	\$20m
2000/2001	\$16m	\$3m	\$19m
1999/2000	\$10m	\$3m	\$13m

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**(27) Output 1.3: Enforcement of immigration law**

Senator Kirk (L&C 10) asked:

With respect to the three firms that are providing legal advice matters, provide information on the sort of areas advice is given.

*Answer:*

The Department seeks advice from the three panel firms on a range of issues. The most common area is statutory interpretation of portfolio legislation such as the *Migration Act 1958* and of other relevant legislation such as the *Privacy Act 1988*. The Department also receives advice on issues involving tort law, such as negligence and defamation, and commercial law.

In accordance with the Legal Services Directions, any advice in regard to tied areas of law such as constitutional issues is requested from the Australian Government Solicitor.