

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 22 May 2007

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(106) Output: Portfolio Tribunals (MRT-RRT)

Senator Nettle (L&CA 17) asked :

Outline the areas that will be covered in the project around vulnerability

Answer:

The Tribunals are developing a set of guidelines on vulnerable persons who appear before the Tribunals. The guidelines will provide members, applicants, migration practitioners and other stakeholders with advice on how cases involving vulnerable persons will be handled by the Tribunals.

The guidelines will identify applicants whose personal circumstances or claims may mean their capacity to present their case before the Tribunals is impaired. Applicants who may be identified as vulnerable include, but would not be limited to, children, the elderly, victims of torture or trauma, persons with a mental illness and women and men who have suffered gender-related persecution.

The guidelines will set out procedural arrangements that may need to be considered when conducting the review. Such arrangements may include the need to expedite the review, the need to ensure that an applicant is appropriately represented or supported and the manner in which the hearing will be conducted. The guidelines will also discuss relevant evidentiary issues including guidance on the assessment of evidence provided by vulnerable persons and assessing the competency of an applicant to provide oral evidence and take an oath or affirmation.

The Tribunals will consult with relevant external stakeholders during the drafting process. The Tribunals intend to publish the guideline in the later part of 2007.