

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 21-22 May 2007**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

### **(159) Output 1.4: Compliance**

Senator Stott Despoja asked:

Referring to the question on Australian visa application forms: "Have you ever committed, or been involved in the commission of war crimes or crimes against humanity or human rights?":

- (i) How long has this question been on visa application forms?
- (ii) In that time, how many applicants have ticked "Yes" in response to this question and what is the breakdown by nationality of those who have ticked "Yes"?
- (iii) How many of those who ticked "Yes" have been refused visas?
- (iv) How many people who ticked "No" were found to have answered this question incorrectly? What action was taken against these people?
- (v) What processes does the Department have in place to assess responses to this question in visa application forms?

*Answer:*

(i) This question was first introduced on Australian visa application forms in 1994 (phased introduction).

(ii), (iii) and (iv) The Department's systems do not currently capture this information. Such information could only be obtained by manually checking each individual's records and this would require a substantial diversion of resources.

(v) Any responses to this question in the affirmative, or any other reason which would raise suspicion of a departmental officer about an applicant's potential involvement in war crimes, are referred to the DIAC War Crimes Screening Unit for assessment – approximately 1000 such referrals are passed to the unit each year.

Note: Section 501 of the *Migration Act 1958* provides a discretionary power to refuse to grant or to cancel a visa on the grounds that a person does not pass the character test. Section 13 (1) (f) of the *Australian Citizenship Act 1948* provides a discretionary power to refuse the grant of Australian Citizenship. Where appropriate, war crimes screening is part of this process.