

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 28 MAY 2009

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(36) Program 3.1: Border Management

Senator Fierravanti-Wells (L&CA 44) asked:

In relation to the identity of unauthorised boat arrivals, do you have a level of probability—for example, you are 60 per cent sure who the person is? How does that work?

Bearing in mind the parameters that we put on this before, what facts and circumstances do you rely upon? You have said you talk to them and they tell you, and there might be family members. There must be a checklist—is there? Can you take on notice the various factors that you take into account to determine that the person who is sitting there is actually who they say they are.

Answer.

When assessing the stated identity of unauthorised boat arrivals at Christmas Island, DIAC officers are required to consider all relevant information provided to them, or obtained by them, to assess whether they are satisfied that the person is who they say they are. In essence, this is a similar process to that officers use to determine whether they are satisfied or not satisfied that the legal criteria relating to a visa application are satisfied (that is, all relevant information collected must be assessed and a decision reached).

In deciding whether a reasonable level of satisfaction about the identity of the person has been achieved, officers need to consider the following:

- Documentary evidence of identity — how much, if any, can be provided and how easy would it be for this evidence to be fraudulently altered or fraudulently obtained?
- Can any identity information provided by the client be compared with the physical person or with information available from other sources?
- Can any of the identity information provided be verified?
- How consistent is the identity information available?
- Does the Department already have records of this person?
- Can biometric information be obtained and compared with other biometric information?

Biometric facial images and fingerprints are collected from unauthorised boat arrivals at Christmas Island. The biometric images are stored in the Department's Biometric Acquisition and Matching System (BAMS) and are compared with other biometric images which have been previously collected

and stored in BAMS. Potential Biometric matches are referred to the Identity Resolution Centre (IRC) for further investigation by their facial image and fingerprint specialists.

DIAC makes every effort to assess the stated identity of a client but it is difficult to indicate how long an identity check would take. The process through which identity data is initially gathered on Christmas Island takes just a matter of hours. But during the time a client is being processed on Christmas Island a client's identity is constantly reviewed as new information comes from interviews and other interactions.

In assessing identity, officers need to use a risk management approach that is appropriate for the circumstances. It would not be realistic to try to define a level of probability.

This is essentially the same process in use under the previous Government although it should be noted that the facility to take biometric evidence did not become operational on Christmas Island until late 2008.

The process is usually shorter in those few cases where a client arrives with identity documentation. But often even with documentation there is no opportunity to confirm the authenticity of their documents in their home country because of the risk of raising additional claims for the client as a result of making these enquiries or endangering their family back home.

Every effort is made to liaise with other Australian agencies and non-government organisations, such as the United Nations High Commission for Refugees with the client's consent, who may have had previous dealings with this person.

At a later time during the Refugee Status Assessment interview process the client is questioned to verify if the identity that they have provided is accurate. The interview process generally takes around 2-3 hours, but further follow-up may be required during the assessment of the case.