

## **QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 24 MAY 2011**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(BE11/0232) Program 2.1: Refugee and Humanitarian Assistance**

Senator Cash asked:

Given anecdotal evidence that IMAs who have been granted permanent protection visas are returning to the country from which they claim to have been subjected to persecution is occurring, has the Department considered instituting the Canadian proposal to cancel the visas of refugees who subsequently voluntarily return to the country from which they feared persecution?

*Answer:*

The *Migration Act 1958* ('the Act') allows for visa cancellation when circumstances which permitted the grant of the visa no longer exist. These powers can be exercised in circumstances where a Protection visa holder ceases to be refugee, for example as a result of returning to their country of origin because they no longer fear persecution and have re-availed themselves of the protection of their country of nationality, or re-established themselves in their country of persecution.

The Department has previously used the cancellation provisions of the Act in these circumstances.