

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARINGS: 23-24 MAY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE11/0235) Program 2.1: Refugee and Humanitarian Assistance

Senator Barnett (L&CA 41) asked:

In relation to applications for protection visas based on claims of homosexual status, can you provide further and better particulars regarding each of the three cases and advise if there are any other cases of a similar nature?

Answer:

In the case of the Ugandan woman referred to in the article in *The Australian* on 23 May 2011 'Call to protect gay asylum-seekers', the departmental decision-maker - on the basis of the information available to them at the time - did not accept as credible the applicant's claim that she was homosexual. The Refugee Review Tribunal reached a different conclusion on the basis of the information available to the tribunal at the time its decision was made. The Department accepts, and is bound by, the tribunal's decision that the individual concerned is a refugee as defined in the Refugees Convention and her case has been finalised accordingly.

The Department has identified the other two Refugee Review Tribunal decisions referred to in this article:

- In one of these cases, the applicant was from Jordan and in his protection visa application provided little supporting information regarding his claimed homosexual relationship and the departmental delegate did not accept his claims regarding his sexuality or the harm he would suffer for that reason if he returned to Jordan. The Refugee Review Tribunal reached a different conclusion as to credibility and accepted his claims.
- In the other case, which involved an applicant from India, the tribunal differed from the delegate in finding that the applicant would suffer harm in India because of his sexuality and that this harm would amount to persecution.

In undertaking the manual search to identify those cases, the Department also identified two Refugee Review Tribunal decisions in May involving applicants claiming to be homosexuals affirming departmental refusal decisions.