

## QUESTION TAKEN ON NOTICE

### BUDGET ESTIMATES HEARING: 21-22 MAY 2012

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(BE12/0349) Program 4.1: Compliance and Case Resolution**

Senator Cash asked:

s.501 cancellations: I refer to the evidence given at the Legal and Constitutional Affairs Senate Estimates committee on 21 May 2012 in relation to the person whose visa has been refused by the Minister under Section 501 and who has been granted a Removal Pending Bridging Visa (RPBV). Has the holder become involved in activities disruptive to, or violence threatening harm to, the Australian community or a group within the Australian community since being granted the visa? If so, please provide details of the activities? Did the Minister specify that the holder must report at a time or time and at a place specified by the Minister? If so at which time or time and at what place? Has the holder complied with these conditions? If the Minister did not specify such conditions, why not? Has the holder notified the department of any change in the holder's address since being granted this visa? Did the holder notify the department of their residential address within five working days of the grant? Pursuant to visa condition 8541, what is the holder doing to facilitate their removal from Australia? Has the holder attempted to obstruct efforts to arrange and effect their removal from Australia? If so, please provide details.

*Answer:*

As the holder of a RPBV this individual is subject to a set of mandatory conditions which include regular reporting to the Department, and notifying the Department of any change of address at least two working days in advance of that change. These conditions are imposed at the time of grant and are common to all RPBVs. Should the Department determine that the holder of a RPBV is in breach of those conditions then the Department may ask the Minister to consider ceasing the RPBV. Where circumstances warrant such action, the Department is able to cancel a RPBV under section 116 of the *Migration Act 1958*.

As this individual was found to be a refugee their involuntary return to their country of origin would be in breach of Australia's international obligations. As such the Department is currently not seeking to effect their involuntary removal from Australia. The individual's RPBV will be subject to review in three years from the date of grant.