

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 27-28 May 2013

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE13/0445) PROGRAM – 4.3: Offshore Asylum Seeker Management

Senator Cash (Written) asked:

Can you provide an update in relation to how Refugee Status Assessments will be conducted and by whom and what the appeal regime will be? What is the status of Australia officials on Nauru – will they be seconded to the Nauru public service or be contracted individuals? What about Australian officials or individuals who are making the RSA and conducting the review? What is their status?

Answer:

On 19 March 2013 the Government of Nauru commenced its refugee status determination (RSD) process under the Nauru Refugees Convention Act 2012.

The Government of Nauru is scheduling transferees for their Refugee Status Determination assessment in order of their arrival date on Nauru.

The Justice Secretary, Government of Nauru, is the delegated decision maker.

Should a transferee receive a negative primary RSD decision, the Government of Nauru affords transferees the opportunity for an independent merits review of the primary decision.

The Government of Nauru, through its Department of Justice and Border Control, has issued Expressions of Interest from suitably qualified candidates for appointment as Members to its Refugee Status Review Tribunal (RSRT) under the Nauruan Refugees Convention Act 2012.

A transferee who considers there has been an error of law in their RSD determination/decision making process may request Judicial Review in the Supreme Court of Nauru.

Assistance to the Government of Nauru to draft RSD guidelines and associated claim lodgement forms, and provision of support and guidance to new Nauru RSD assessors through a mentor model has been provided by the Government of Australia.

Two teams of DIAC Refugee Status Determination (RSD) case officers have travelled to Nauru to assist the Government of Nauru to establish the Nauru RSD process. No DIAC staff have been seconded to work for Nauru in any capacity relating to the management and processing of asylum seekers, whether at the RPC or elsewhere in Nauru.