



Australian Government
Department of Immigration and Citizenship

Opening statement to Legal and Constitutional Committee

**Budget Estimates Hearing
Parliament House, Canberra**

27 – 28 May 2013

**Martin Bowles PSM
Secretary, Department of Immigration and Citizenship**

Madam Chair, Senators. Thank you for the opportunity to deliver an opening statement on behalf of the Department.

Chair, I would like to briefly update you on significant developments in the portfolio since I last updated the Committee on 11 February 2013.

The Department is on track to deliver the 2012-13 permanent Migration Program of 190,000 places by 30 June 2013.

Within the Skill Stream, a significant proportion of the places have been delivered through SkillSelect, the Government's innovative e-system for selecting points tested skilled migrants. Introduced on July 1, 2012 SkillSelect has delivered around 30 per cent of the general skilled migration (or points tested) component of the Skill Stream. Over time, SkillSelect will become the dominant source of independent skilled migrants providing for greater control and efficiency over our independent skilled migration programs.

The Migration Program will be maintained at 190,000 places in 2013-14 and provides for 128,550 places for skilled migrants, 60,885 places for family migration and 565 places for migration under special eligibility and will optimise the social and economic benefits of our regular migration streams to the Australian community.

people our business

6 Chan Street Belconnen ACT 2617

The Department is also on track to deliver the 2012–13 Humanitarian Program of 20,000 places. This has been the largest increase to Australia's humanitarian intake in some 30 years and has been maintained for the 2013-14 program year.

I would like to put on the record my appreciation for the work of the Department's offshore and onshore decision making teams who have put in exceptional effort to deliver both the Permanent Migration and Humanitarian programs. I would also like to note the excellent cooperation of our stakeholders and other agencies, including UNHCR, ASIO and IOM. One component I would like to highlight is the number of vulnerable women at risk and their dependants resettled in this year's Program is likely to be over 1,440 and will be the largest on record.

Citizenship Program

Interest in acquiring Australian citizenship continues to be very high and has increased markedly over each of the past two years. This program year, we will receive the highest number of applications since 2006-07 and to the end of April we have already exceeded the total received for 2011-12 by more than 10,000. Similarly, this program year to date has seen a 41% increase in persons acquiring citizenship by conferral compared to the same period of 2011-12. In March this year, the Department administered its 500,000th citizenship test since testing began on 1 October 2007.

I would also like to update the Committee on activities underway to enhance the provision of our services and strengthen the integrity of our programs:

- The Department is implementing new visa pricing arrangements that will allow for additional flexibility in pricing visa products; ensure the immigration system is a net contributor to the government's consolidated revenue position; and encourage clients to interact with us through more cost effective, electronic channels.
- 2012 saw the introduction of the Visa Evidence Charge of \$70 for a printed visa label. The charge discourages reliance on visa labels to check visa entitlements, and encourages the use of a secure and

real-time electronic system—Visa Entitlement Verification Online(VEVO)—for validating a non-citizen’s right to enter and stay in Australia. Not only does this ensure that clients have the most up-to-date information about their visa entitlements, it also means that the Department is able to reduce the costs of issuing a visa label, which for most clients, is not required.

- We are on the cusp of delivering a range of measures that will transform the way clients access our services. A new and enhanced website will support our expanding digital capabilities and online services so more of our clients can interact with us electronically. We plan to introduce an Online Account service that will enable clients to manage their visa-related activities online at a time that is convenient to them.
- More than 100,000 health cases have already been processed in the Department’s new electronic health processing system known as eMedical. This system, which was released in December 2012 and is already available in 69 locations globally, was developed in conjunction with Citizenship and Immigration Canada (CIC).
- Applications across the suite of online lodgement products (eVisa) continue to increase as we roll out additional products supporting the Skilled Migration changes and actively encourage clients to use the online channel.
- Other online products including Visa Entitlements Verification Online (VEVO), eHealth/eMedical and LEGENDcom all showed strong growth over the past year.
- We continue to enhance our capacity to identify immigration risks. This year the Department built and deployed a new Border Risk Identification System (BRIS) at our major international airports, which is helping us to better target those air travelers we want to interview and thereby reduce the disruption to other air travelers.

- DIAC has also deployed new mobile biometric capabilities at various airports around Australia, enabling staff to verify and enroll client biometrics rapidly.
- DIAC has implemented the new ImmiCard, a modern polymer card the size of a credit card or driver license. The cards have security features and links to Departmental records. The card is primarily for use by humanitarian entrants and IMAs to Australia to assist them to establish their status. The robust and convenient polymer replacement is welcomed by community agencies as well as holders and will be made available to greater cohorts over the next phases.
- The Department has developed an Identity Policy that provides policy guidance to all staff on matters relating to Identity as well as strategic direction in areas such as biometrics, document security and identity data management.

Onshore Compliance Program

Overall compliance with Australia's immigration system is very high and the Department continues to achieve strong outcomes from its active status resolution program which provides support and assistance to clients to resolve their immigration status in a timely manner.

Since the implementation of the status resolution approach in 2008-09, the identification of clients who have overstayed or otherwise breached their visa conditions has increased by 26 per cent from 2008-09 to 2011-12 and into 2012-13. This includes a significant increase in the number of clients voluntarily presenting themselves to Departmental officers.

At the same time, the number of clients being managed on a Bridging Visa E (BVEs) for more than five years has fallen by 28 per cent between 2008 and 2013.

The increased use of BVEs to manage clients in the community has not led to greater non-compliance. The percentage of clients complying with their BVE conditions has remained around 90 per cent.

The number of compliance clients whose status was resolved through a visa grant or departure has increased by 38 per cent from 2008-09 to 2011-12. In the same period, the number of removals from detention has also increased by 60%, with over 95 per cent of those being voluntary (in 2011-12).

Expert Panel on Asylum Seekers

It is nine months since the Expert Panel on Asylum Seekers released its report in August 2012 providing the Government with 22 recommendations on available policy options to prevent asylum seekers risking their lives on dangerous boat journeys to Australia. My Department has coordination lead of a cross-portfolio effort, involving 12 separate Commonwealth agencies, to implement the Panel's recommendations. To this end, significant progress has been made. Eight recommendations have been finalised to date.

Most recently, my Department finalised Recommendation 12 involving changes to the Special Humanitarian Program whereby irregular maritime arrivals who arrive after 13 August 2012 and who are determined to be refugees can only bring their families to Australia through the family stream of the Migration Program, and not under the Special Humanitarian Program (SHP). Recommendation 14 is close to finalisation. This relates to amendments to the Migration Act to provide that arrival anywhere on Australia by irregular maritime means will not provide individuals with a different lawful status than those who arrive in an excised offshore place.

The *Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2012* was passed by the Parliament on 16 May 2013 and received royal assent on 20 May 2013. We anticipate the legislation to commence in the coming days. This will ensure asylum seekers who arrive boat without a visa will be subject to the same regional processing arrangements as asylum seekers who arrive at an excised offshore place based on their status as an unauthorised maritime arrival rather than based on the place of entry in Australia, as is currently the case.

In relation to Recommendation 8 of the Panel's report, I can advise that refugee status determination commenced in Nauru on 19 March 2013 and that we can expect to see the first determinations being made by

Nauru, under Nauruan law, in coming months. With regard to Recommendation 9, my Department is currently working closely with Papua New Guinea to assist in developing refugee status determination processes there.

My Department has also worked with partner agencies to develop and implement a whole-of-government integrated strategy for Recommendations 3, 6 and 16 which seeks to enhance the regional response to irregular migration. This includes opportunities to leverage aid and regional engagement to secure returns of IMAs who fail to engage Australia's international obligations.

Regional processing facilities are now in place in Nauru and Papua New Guinea. Transfers to Nauru commenced on 14 September 2012 and as at today, a total of 430 asylum seekers are living in the regional processing centre. These include Sri Lankans, Iraqis, Iranians, Afghanis and Pakistanis. To date, 61 IMAs have been removed voluntarily from Nauru (via Australia or Fiji) to their country of origin. This includes 49 Sri Lankans, 5 Iranians and 7 Iraqi IMAs.

Transfers to Manus Island, PNG commenced on 21 November 2012 and as at today, 302 asylum seekers are living in the regional processing centre. These include Sri Lankans, Iraqis, Iranians, Afghanis, Vietnamese and Pakistanis. To date, 2 IMAs have been removed voluntarily from Manus (via Australia) to their country of origin.

Irregular Migration

Irregular migration remains a global issue, with over 15 million people globally classified as refugees by the UNHCR and an increasing number of asylum seekers fleeing conflicts. Irregular migration continues to increase, driven by a multitude of factors caused in part by, global economic conditions, conflict and civil unrest. Australia is not immune from these trends.

Since September 2008 until the end of April 2013 we have seen some 39,500 people arrive irregularly including crew. Of this number around 8,300 are in held detention, around 2,800 are in community detention and around 10,300 are in the community on a Bridging Visa. The remainder have either, been sent to a Regional Processing Centre, been

voluntarily or involuntarily removed or been granted a permanent Visa. There is also a small number who are still to be processed, in prison or deceased. In this financial year to date, as at 24 May, 22,265 IMAs arrived.

Australia's immigration detention network is required to respond flexibly to high priority enforcement, compliance and border protection activity, including the management of irregular maritime arrivals, visa over stayers, character cancellations, unauthorised air arrivals and illegal foreign fishers. The detention network is not punitive, the network only exists to hold people while their status is determined. Accommodation capacity and needs across the immigration detention network are continuously monitored and adjustments are made as required, for operational reasons, including changes in the arrival patterns of different cohorts such as unaccompanied minors and families.

There has also been reconfiguration within the network including at Pontville which was redesignated an Alternative Place of Detention used to house unaccompanied minors, and parts of Curtin and Wickham point which were reconfigured and reclassified as Alternative Places of Detention, to house families. These changes, together with existing sites, continue to provide the Department with a range of options to accommodate people who are required to be placed into immigration detention.

During the last 12 months, the detention network has been managed flexibly to accommodate a significant number of people with a wide variety of backgrounds and circumstances. While managing the network has its complexities and risk, our continued and persistent focus on improving the ways we manage these issues is making a positive difference. In the past 18 months, the rates of self-harm have declined significantly and have remained relatively steady.

The Department's improvements in this area were recently highlighted in the Ombudsman's review into suicide and self-harm in immigration detention. Critical incidents have also remained relatively low during this period. Notwithstanding these positive indicators, the Department and its service providers are continuing to focus strongly on the delivery of integrated services that provide for primary care needs and contribute to

the wellbeing of our clients, responding rapidly to de-escalate emerging issues and proactively engaging with clients to support timely status resolution.

On 7 May 2013, the Government announced that it would begin releasing some families with children aged 16 years and under, who had arrived as Irregular Maritime Arrivals into the community on bridging visas. The same visa arrangements have been used since November 2011 to release other IMAs into the community, including families with children 17 years and older, until the consideration of their claim for protection is finalised. Families who arrived on or after 13 August 2012 remain subject to regional processing arrangements, even if they have been released on a bridging visa. Consideration of their claims will still be subject to the no advantage principle.

Subject to their level of need, family members granted bridging visas may be eligible for support through programs administered by the Department. They are not eligible for Centrelink benefits and those who arrived on or after 13 August will not be permitted to work in Australia. Subsequently as at 24 May, 295 people in family groups with children aged 16 years and under have been released into the community on bridging visas.

Access and Equity Inquiry Panel

As a result of the announcement in March of the Government's support for all 20 recommendations of the Access and Equity Inquiry, the Commonwealth is taking a leadership role in ensuring that the needs of Australians from culturally and linguistically diverse backgrounds are being adequately met.

I am pleased to say that my Department is leading on this body of work, and helping to ensure that all Australian Government Departments and agencies under the *Financial Management and Accountability Act 1997* (FMA Act), develop and implement two-yearly Agency Multicultural Plans from 1 July.

Our Department has developed a toolkit of policy and planning resources and better practice guidelines, and conducted five whole-of-government

workshops for Australian Government Departments and agencies to assist with their development of these new Plans.

I look forward to the impacts that the strengthened Policy will have in ensuring that government policies, programs and services are responsive to their needs of our culturally and linguistically diverse populations.

Capability Review

I spoke about the Capability Review in February and I can report that the Department has made significant progress on the implementation of a range of action from the review, which was conducted by the Australian Public Service Commission last year.

A number of initiatives in our Action Plan have been completed and are in the process of being implemented across the Department. For example, we have initiated a series of monthly meetings to consider longer-term strategic questions; we have streamlined our procurement and contract management processes; and significantly improved our business planning process.

Our Department continues to be a learning organisation, looking at innovative ways to improve our ability to deliver against future objectives and challenging environment. We are preparing a longer-term roadmap of initiatives to further build on our organisational capabilities beyond the twelve months covered by the Action Plan.

Our senior leadership is committed to improving the Department's organisational capability and recognise that relying solely on the delivery of the initiatives in the Action Plan will not be enough to achieve this outcome. Given this acknowledgement, we are focussed on embedding the APSC's Model of Capability into the management approach of the Department.

Finally, I would also like to take this opportunity to pass on my sincere appreciation to our staff for their support and ongoing hard work, commitment and outstanding efforts in a sensitive and challenging area of public policy.

Thank you.