

**LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE**

**EXAMINATION OF BUDGET ESTIMATES 2000 – 2001  
(Supplementary Hearing)**

**ADDITIONAL INFORMATION  
VOLUME 6**

**IMMIGRATION AND MULTICULTURAL AFFAIRS  
PORTFOLIO**

**Additional Information Relating to the  
Examination of Expenditure 2000 – 2001**

**February 2001**



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## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

##### **(1) Output 1.1 and 2.3: Non-Humanitarian Entry and Stay and Australian Citizenship**

Senator Harradine asked: "A Victorian Dept of Human Services document provided to other community service department processing adoptions the Department of Immigration advises that it will take six to eight weeks to obtain a grant of Australian Citizenship and that when this has been finalised, an application can be made for an Australian Passport.

Under the Adoption Agreement between Australia and China (Bilateral Arrangements – Intercountry Adoption Regulations 1998) wasn't it the case that Australia would recognise adoption orders immediately? Wasn't it also the case that citizenship would be granted immediately (one of the sticking points at the Chinese end was that without this grant of citizenship, the child would be 'stateless' on arrival in Australia)? Why is it not possible for the child to obtain an Australian passport prior to leaving the PRC?"

*Answer:*

During the negotiations on the Australia-China Bilateral Agreement the Chinese authorities did not express particular concern about the point at which children obtained Australian citizenship. The major obstacle to the negotiation of the Agreement was that Australian law did not provide for the automatic recognition of Chinese adoptions, and that children adopted from China would enter Australia under the guardianship of the Minister for Immigration and Multicultural Affairs, under the provisions of the *Immigration (Guardianship of Children) Act 1946*. This obstacle was overcome when the Family Law Act was amended in July 1998 to allow for automatic recognition of adoptions made under bilateral agreements with countries prescribed for that purpose. China is the only prescribed country.

Recognition of the adoption in Australia does not lead to the automatic acquisition of Australian citizenship. Children adopted under the Agreement are eligible to apply for citizenship if at least one parent is an Australian citizen, and in most cases it is expected this will occur after the child has arrived in Australia. The adoptive parents must complete an application form and pay the application charge of \$120. Such an application processed at a Regional Office in Australia would usually be finalised within a week. The child may then apply to the Department of Foreign Affairs and Trade for an Australian passport.

Parents may also apply for grant of Australian citizenship for their adopted child prior to entry to Australia, after the permanent entry visa has been granted. Once the

child obtains Australian Citizenship he or she can also obtain an Australian passport. However, grant of Australian Citizenship occurs only in Australia and no overseas officer currently holds the delegation. All overseas applications for Australian citizenship are sent from the Australian missions overseas to the Dandenong office of DIMA for consideration. This process takes 8 to 10 weeks.

Depending on the time that the adoptive parents spend overseas, this may mean that obtaining Australian citizenship while they remain overseas is not feasible.

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

#### (2) Output 1.1: Non-Humanitarian Entry and Stay

Senator Harradine asked, 'Why is the DIMA sponsorship fee of \$1075 not transferable to another child should the first be rejected on medical grounds following the medical clearance process? What if there was more than one rejection – would the prospective adoptive couple have to continue to pay this fee?'

*Answer:*

The charge of \$1075 is the current visa application charge payable for an Adoption visa (subclass 101) application lodged overseas. The charge is not a sponsorship fee, but a charge paid by or on behalf of the individual applicant. The amount of the charge is set to cover the costs associated with processing an application. Therefore, should an application be refused on medical, or any other grounds the charge is not refundable nor is it transferable to a subsequent application which the sponsor may make on behalf of another child.

In order for a visa application to be considered, it must be a valid application. Under the *Migration Regulations*, the payment of any application charge is one of the criteria which must be satisfied for the visa application to be valid. There is no provision under the *Migration Regulations* to exempt or waive the visa application charge on the grounds that the sponsors have previously been unsuccessful in sponsoring a different applicant.

These are standard provisions which apply to all categories of visa.

It should be noted that the vast majority of children for adoption pass the medical requirements at the first examination. Of the small percentage of cases which are deferred for further examination or treatment, again most subsequently meet the requirements. Provision to waive the requirement to meet the health criterion is available to applicants for an adoption visa and this provision has often been exercised sympathetically for these young children. In the final outcome, those who ultimately fail to receive a visa due to not meeting the health criterion account for less than 1% of applications.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(3) Output 1.1: Non-Humanitarian Entry and Stay**

Senator Harradine asked, "How many children have been adopted under the Agreement to date?"

*Answer:*

As at 7 December 2000 a total of 17 children have completed adoption and migration processes and have arrived in Australia.



## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

#### (4) Output 1.1: Non-Humanitarian Entry and Stay

Senator Harradine asked, "What has been the average cost to the adopting couple of adopting the child from the PRC?"

*Answer:*

- The Department of Human Services in Victoria has advised the average cost to couples adopting a child from China currently ranges from about AUD\$16780 to AUD\$22000, plus the cost of air travel to China. This amount consists of the following approximate expenses.
  - Fees, charges and donations in the PRC: US\$4000  
(currently AUD\$7400)
  - Internal travel and accommodation in the PRC, per couple, based on 20 days stay: US\$4000  
(currently AUD\$7400)
  - State/Territory application fees AUD\$ 758 – 6000
  - Visa application charge AUD\$1075
  - Medical examination costs (approximately) AUD\$ 150
  - Travel to the PRC is organised individually and the cost is additional to these figures.
- It should be noted that the actual costs vary with exchange rate fluctuations, and also the length of stay required in China to complete adoption processes. The travel and accommodation costs for the first group of families who travelled in August were less than expected because all adoption and immigration processes were completed within two weeks.

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

##### **(5) Output 1.1 and 2.3: Non-Humanitarian Entry and Stay and Australian Citizenship**

Senator Harradine asked, 'Are Australians living overseas for longer than 12 months still able to adopt children from the countries in which they are living? What is the advice provided by Embassies to prospective couples in this regard?'

*Answer:*

Children adopted overseas by Australian citizens and permanent residents who are genuinely resident overseas are eligible to apply for migration to Australia or Australian citizenship subject to meeting certain requirements.

The following advice on this matter is provided to clients in the Child Migration booklet, information forms, fact sheets and by staff of the Department of Immigration and Multicultural Affairs as appropriate:

##### **Migration**

The Adoption visa (subclass 102) is the appropriate visa in relation to a child who is adopted after the parent became an Australian citizen or permanent resident. In addition to meeting health and character criteria, the *Migration Regulations* require either that the adoption be supported by a State or Territory welfare authority, or that the parent has been residing overseas for a period of at least 12 months at the time of the migration application.

Where the parent has been residing overseas, they must be able to demonstrate:

- the residence overseas was not contrived to deliberately bypass the requirements concerning entry of adopted children;
- they have lawfully acquired full and permanent parental rights to the child in compliance with adoption laws of the child's country; and
- the relevant overseas authority has approved the departure of the child for Australia.

##### **Citizenship**

Under citizenship policy, a child who has been adopted by an Australian citizen who has been living overseas for more than 12 months prior to the adoption, may be granted Australian Citizenship. The requirements, which mirror those for grant of a subclass 102 (adoption) visa, are as follows:

- at least one adoptive parent is an Australian citizen;

- the child has met the usual health and character requirements for migrant entry to Australia;
- the adoptive parent(s) has/have been residing overseas for more than 12 months and that residence was not, in the delegate's judgement, contrived to avoid obtaining the approval of the relevant Australian welfare authorities;
- the laws and regulations of the overseas country have been complied with and the child welfare authorities in that country approve of the child travelling to Australia with the adoptive parents (even if the parents do not intend to travel to Australia);
- the rights and best interests of the child would not be infringed by travel to Australia to live with the adoptive parents; and
- the adoption order gives full parental rights to the adopter(s). Orders which only grant guardianship, custody or other lesser rights would not satisfy this requirement.

All overseas applications for Australian citizenship are sent from the Australian mission overseas, to the Dandenong office of DIMA for consideration. This process takes 8 – 10 weeks.

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(6) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: Can you provide the figures for the last four years (including this financial year) for the number of visas granted for Established Business in Australia (EBA); is there a pipeline for these visas?

*Answer:*

The following table shows the number of visas (cases and persons) that have been granted in the EBA category for the past four years:

EBA visa grants	Cases	Persons
1997-98	40	140
1998-99	107	353
1999-2000	111	382
2000-01 (to 30/11/00)	87	313

The pipeline (ie. applications yet to be finalised) at 30 October was 295 cases.

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(7) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: Can you supply the breakdown of the countries from where these visas are being granted?

*Answer:*

EBA visas are granted in Australia. The main recorded countries of citizenship of people granted visas were:

Citizenship Country	No.	%
Hong Kong SAR	158	20%
People's Republic of China	118	15%
Republic of South Africa	116	15%
Taiwan	78	10%
United Kingdom	49	6%
Singapore	43	5%
Republic of Korea	41	5%
Japan	18	2%
Germany	18	2%
France	13	2%
United States of America	11	1%

The remaining 12% are split between a further 28 nationalities.

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

#### (8) Output 1.1: Non-Humanitarian Entry and Stay

Senator McKiernan asked: What are the current figures for the number of Regional Established Visas granted; what were the figures for the previous four years?

*Answer:*

The following table shows the number of visas (cases and persons) that have been granted in the Regional Established Business in Australia (REBA) category for the past four years:

REBA visa grants	Cases	Persons
1997-98	0	0
1998-99	0	0
1999-2000	4	13
2000-01 (to 30/11/00)	1	1

The pipeline (ie. applications yet to be finalised) at 30 October was 9 cases.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(9) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: What is the breakdown of countries over the last four years for Regional Established Visas?

*Answer:*

REBA visas are granted in Australia. Of those persons granted REBA visas, six were from Taiwan, four from Japan, two from Sri Lanka and two from Hong Kong SAR.

## **QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(10) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked, 'Does the Department keep records of the regions designated for these visas? If so, which regions have the visas been designated to; do the visa holders remain in the regions for the required two year period; if not, why don't people remain in the region?'

*Answer:*

The Department keeps records of the regions designated for Regional Established Business in Australia (REBA) visas.

To date, REBA visas have been granted to applicants with businesses in Tasmania (three cases), South Australia (one case) and North Queensland (one case).

To obtain a REBA visa, an applicant must have resided in the designated area for two years. After the REBA visa is granted, there is no legal requirement for them to remain in the designated area although the evidence suggests that most do remain.



## **QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(11) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: Is it conditional for people who are issued with Established Business visas to meet regularly with an immigration officer to monitor compliance with the terms of their visa requirements?

*Answer:*

Established Business in Australia (EBA) and Regional Established Business in Australia (REBA) visa holders are exempt from the visa cancellation provisions of Section 134 Migration Act (1958) and as such are not required to participate in the 24 month Business Skills survey. This is because, in order to be granted a visa under the EBA and REBA categories, applicants must already have established and managed a business for a period of time. They are, however, required to keep DIMA informed of a contact address for three years after visa grant and participate in the 36-month Business Skills survey. This information is used to report to Government on the overall performance of the program. These obligations are set out in a declaration, which is signed by the applicant at the time of visa grant. These obligations also include that the visa holder intends to maintain their ownership interest in an eligible business in Australia.

## **QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(12) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: In the last 24 months, how many people are not fulfilling the required period to set up their business within the 24-month period; if not, what is the Department's policy/guidelines in this instance?

*Answer:*

Migration legislation states that an Established Business in Australia (EBA) applicant must have held an ownership interest of at least 10% in one or more main businesses in Australia for at least 18 months immediately prior to application. Applicants who do not meet this requirement are not eligible to be granted EBA visas. Over a four-year period, approximately 28% of EBA applicants have had their visas refused because of failure to meet this or other criteria. Refused EBA applicants are required to leave Australia unless they qualify for other types of visas. They are able to apply offshore for a further temporary residence visa to enable them to continue their business and build it to a point where it meets permanent residence criteria.

## **QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(13) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked, 'In the last 24 months, how many people visaed have fulfilled the two-year requirement for the Regional Established Visas to remain in the region and set up businesses?'

*Answer:*

To date, Regional Established Business in Australia (REBA) visas have been granted to applicants with businesses in Tasmania (three cases), South Australia (one case) and North Queensland (one case).

Migration legislation requires that a REBA applicant must have held an ownership interest of at least 10% in one or more main businesses in a designated area in Australia for at least 24 months immediately prior to application. Applicants who do not meet this requirement are not eligible to be granted REBA visas.

## **QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(14) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: Does the Department monitor people who do not meet the requirement of staying in the region they nominated?

*Answer:*

All Business Skills visa holders are monitored for three years from their initial arrival (if granted the visa overseas), or from the date of the visa grant (if granted the visa onshore). As noted in question numbers 12 and 13, to be eligible to be granted a visa for EBA/REBA, applicants must have already established a business for a period of time. Once granted a permanent visa, they may choose to reside anywhere in Australia. From information provided to us it appears that no REBA visa holders have left the region in which they established their business.

## **QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(15) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked, 'How many people/cases have not been unable to meet their business requirement to set up within the first two-year period; what steps does the Department take if this is not the case?'

*Answer:*

350 cases involving 1202 people, have met EBA/REBA criteria and been granted visas (to 30 November 2000).

If applicants do not meet the visa criteria, the Department refuses their applications. This occurred in 117 cases involving 483 people (to 30 November 2000). These persons must either depart Australia when their temporary visa expires or they can apply for another type of visa (for example they can apply offshore for a subclass 457 Independent Executive visa).

## **QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(16) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked, 'What has been the average net worth of the Established Business Visas for the 1996 arrivals and onwards?'

*Answer:*

Migration legislation requires that EBA applicants have greater than \$100,000 in net assets in their business for 12 months prior to application (REBA applicants are required to have \$75,000 for 24 months prior to application). At the time of decision, the Department assesses if the net assets requirement in the business criterion is met. Information on the net worth of the visa holder's business is entered into DIMA systems at the 36-month survey point. As the category was introduced in 1995, only twelve EBA visa holders, who were engaged in business at 36 months after visa grant, have reached the point where they have lodged a 36-month survey. From this survey, the average net worth of EBA category businesses was \$1,242,000.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(17) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: What has been the average net worth of Established Business that have set up in Australia?

*Answer:*

Due to the age of the category, the response to question number 16 also applies to this question.

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(18) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked, 'What has been the main business activity of the Established Business in Australia; in which industry restaurants, import and export?'

*Answer:*

At the time of EBA/REBA visa grant, statistics are not collected on the industry sectors engaged in by applicants. However, at 36 months after visa grant, all business skills visa holders are required to complete a detailed survey on their business activities and industry sector data is extracted and analysed.

The breakdown by industry sector of the twelve EBA cases that have returned their 36-month survey showed:

- Four cases (33%) involved in Wholesale Trade;
- Three cases (25%) involved in Property and Business Services; and
- One case (8%) is in each of the Agriculture, Manufacturing, Retail Trade, Transport and Community Services industry sectors.

Eight of the twelve cases (67%) were involved in exporting goods and services.



**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(19) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: How many employees on average have been employed to work in the Established Businesses in the last 12 months?

*Answer:*

EBA applicants must demonstrate that they have employed three Australian citizens or permanent residents who are not relatives, in order to be eligible to be granted a visa. From 36-month survey data responses aggregated, the total average employment generated by EBA visa holders is 9.4 persons per business. This figure includes all full time and part time jobs, non-family and family employees.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(20) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: What has been the number of student visas issued offshore since 1996; from which countries have these visas been issued?

*Answer:*

Please refer to the attached table which shows the number of offshore student visa grants by country for the financial years 1996-7 to 1999-00.

**Offshore Student Visa Grants 1996-97 to 1999-2000  
Top 60 Citizenship of Grantees**

1999/2000	Citizenship	1996/1997 Jul 96 - Jun 97	1997/1998 Jul 97 - Jun 98	1998/1999 Jul 98 - Jun 99	1999/2000 Jul 99 - Jun 00	% Var 1998/1999 over 1997/1998	% Var 1999/2000 over 1998/1999
1	United States of America	3,426	4,146	4,894	6,407	18.04	30.92
2	China, Peoples Republic of	1,934	2,386	3,583	6,079	50.17	69.66
3	Malaysia	6,074	4,909	4,771	5,900	-2.81	23.66
4	Indonesia	7,890	7,913	9,113	5,439	15.16	-40.32
5	HKSAR of the PRC	3,360	3,228	3,467	4,544	7.40	31.06
6	Singapore	3,726	3,634	4,006	4,455	10.24	11.21
7	Japan	5,950	5,558	4,915	4,438	-11.57	-9.70
8	India	2,742	4,113	4,517	4,310	9.82	-4.58
9	Thailand	3,272	2,300	2,661	3,668	15.70	37.84
10	Korea, Republic of	9,527	5,126	3,056	3,390	-40.38	10.93
11	Taiwan	2,598	2,209	2,214	2,164	0.23	-2.26
12	Norway	507	733	1,154	1,757	57.44	52.25
13	Germany	993	1,155	1,241	1,521	7.45	22.56
14	Sweden	871	926	1,163	1,510	25.59	29.84
15	Vietnam	1,145	1,706	1,505	1,405	-11.78	-6.64
16	Brazil	748	752	951	1,163	26.46	22.29
17	Philippines	570	1,049	641	975	-38.89	52.11
18	Canada	662	763	770	970	0.92	25.97
19	Bangladesh	140	297	544	924	83.16	69.85
20	France	568	681	740	905	8.66	22.30
21	Sri Lanka	620	806	966	826	19.85	-14.49
22	Colombia	98	185	444	765	140.00	72.30
23	United Kingdom	546	537	587	753	9.31	28.28
24	Switzerland	676	630	705	723	11.90	2.55
25	Papua New Guinea	1,174	1,001	925	712	-7.59	-23.03
26	Czech Republic	300	372	470	571	26.34	21.49
27	Slovakia	172	235	288	481	22.55	67.01
28	Pakistan	570	744	443	465	-40.46	4.97
29	Nepal	372	279	454	460	62.72	1.32
30	Denmark	268	287	305	374	6.27	22.62
31	Russian Federation	152	144	241	354	67.36	46.89
32	Fiji	273	321	370	332	15.26	-10.27
33	Italy	193	254	271	329	6.69	21.40
34	Mauritius	129	192	267	295	39.06	10.49
35	Kenya	77	191	290	282	51.83	-2.76
36	Poland	41	135	160	280	18.52	75.00
37	Lao Peoples Democratic Rep	91	94	153	225	62.77	47.06
38	Netherlands	138	167	218	194	30.54	-11.01
39	South Africa, Republic of	133	134	205	189	52.99	-7.80
40	Turkey	124	110	154	168	40.00	9.09
41	Mexico	48	72	105	162	45.83	54.29
42	Finland	177	166	177	162	6.63	-8.47
43	Austria	118	146	160	157	9.59	-1.88
44	Brunei Darussallam	159	140	139	146	-0.71	5.04
45	Zimbabwe	76	46	81	146	76.09	80.25
46	Burma (Myanmar)	115	84	109	145	29.76	33.03
47	Spain	97	121	134	143	10.74	6.72
48	Botswana	56	256	112	138	-56.25	23.21
49	Belgium	91	96	123	128	28.13	4.07
50	Argentina	80	92	97	118	5.43	21.65
51	Hungary	41	70	102	113	45.71	10.78
52	Portugal	82	73	102	113	39.73	10.78
53	Jordan	47	84	87	108	3.57	24.14
54	Lebanon	N/A	40	47	102	17.50	117.02
55	Maldives	101	88	134	91	52.27	-32.09
56	Iran	N/A	25	38	89	52.00	134.21
57	Stateless	543	144	113	85	-21.53	-24.78
58	Solomon Islands	95	97	90	79	-7.22	-12.22
59	Venezuela	N/A	40	52	78	30.00	50.00
60	Cambodia, the Kingdom of	109	12	8	74	-33.33	825.00
61 - 98	All Others	1,386	1,280	1,334	1,349	4.22	1.12
<b>Total</b>		<b>66,271</b>	<b>63,574</b>	<b>67,166</b>	<b>74,428</b>	<b>5.65</b>	<b>10.81</b>

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(21) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked, 'In the last 24 months what has been the number of students who have lodged permanent applications onshore; what is the number of students in the last financial year that have applied for temporary business visas; if so, in which areas of employment/industry have they been visaed to work in?'

*Answer:*

In 1999/2000 there were 2,459 permanent resident visa applications lodged in Australia from holders of student visas. Figures for permanent resident visa applications for the financial year 2000/2001 year to date are not yet available.

In 1999/2000 there were 1,476 business long stay (subclass 457) visa applications lodged by holders of student visas. For the first quarter of the 2000/2001 financial year there have been 451 business long stay (subclass 457) applications lodged by holders of student visas. Data on which areas of employment/industry they were visaed to work are not available due to the way the data is currently recorded on our systems.

**Note:** The number of applications given includes all persons lodging applications, that is, primary applicants and their dependents.

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

#### **(22) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked, "In the last 24 months what are the number of students that lodged permanent applications to remain in Australia; from which countries were these applications made?"

*Answer:*

In 1999/2000 there were 2,459 permanent resident visa applications lodged by holders of student visas to remain in Australia (ie change of status). Figures for the financial year 2000/2001 year to date are not yet available.

The citizenship of the overseas students who applied in 1999-00 to remain in Australia on a permanent basis was Albania, Bangladesh, Belgium, Botswana, Brazil, Brunei, Darussalum, Bulgaria, Burma, Cambodia, Canada, Chile, China, Colombia, Cote D'ivoire, Cyprus, Czechoslovakia, Denmark, Egypt, El Salvador, Ethiopia, Fiji, Finland, Former Yugoslav Republic of Macedonia, France, French Polynesia, Germany, Ghana, Greece, Hong Kong SAR, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Korea, Laos, Latvia, Lebanon, Libya, Lithuania, Macau SAR, Malaysia, Mauritius, Mexico, Nepal, Netherlands, New Caledonia, Nigeria, Norway, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Samoa, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Taiwan, Tanzania, Thailand, Tonga, Turkey, Uganda, Ukraine, United Kingdom, USA, Uruguay, Uzbekistan, Venezuela, Vietnam, Yugoslavia and Zimbabwe.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(23) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: What are the number of student visas approved for the financial year 2000?

*Answer:*

The total number of offshore and onshore student visa grants for 1999-2000 was 151,049, including Permission to Work and Change of Provider visas.

Excluding Permission to Work and Change of Provider visas, the total number of offshore and onshore student visa grants for 1999-2000 was 120,564.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(24) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan asked: What is the allocated/expected intake for the next year?

*Answer:*

There is no allocated intake of students for any particular year. The number of student visas granted in any year depends on the number of applicants who meet the visa criteria.

Although the overall trend in the number of student visas granted in recent years has been upwards, the size of the increase has varied from year to year. For example, the number of offshore student visa grants increased 6% between 1997-98 and 1998-99, and 11% between 1998-99 and 1999-2000.

For internal planning purposes we have anticipated that the 2000/2001 program may be of the order of 10% larger than the 1999/2000 program.

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

##### (25) Output 1.1: Non-Humanitarian Entry and Stay

Senator McKiernan asked, "What are the numbers of students that have lodged permanent applications for this financial year; which occupations have these permanent arrivals been approved for; which intended states have the students nominated to reside?"

*Answer:*

The Department does not record former overseas student status in applications for permanent migration except in onshore change of status cases and overseas migration applications where 5 bonus points are awarded under the points test.

Data on overseas students who have applied to change status onshore are not yet available for this financial year.

From 1 July 2000 until 30 November 2000, 3550 students, including their dependents, applied for migration under the points tested visa categories.

Of the applications approved, the major occupations are: Accountants/Auditors, Information Technology Professionals, Building and Engineering Professionals, Health Professionals, including Nurses, Human Resource Professionals, Sales and Marketing Professionals, Teachers, Natural and Physical Science Professionals, Interpreter/Translator Professionals, General and Specialist Managers, Trades Professionals, Cook and Chefs, Legal Professionals.

The applicants intended state or territory of residence in their migration applications was given as follows:

NSW	40%
Victoria	28%
Queensland	10%
WA	11%
SA	5%
ACT	5%
Tasmania	0.7%
NT	0.3%



**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(26) Output 2.1: Settlement Services**

Senator McKiernan asked: 'What level of settlement services is currently provided to holders of Temporary Protection Visas (TPV)?'

*Answer:*

In line with Australia's international obligations, Temporary Protection Visa (TPV) holders have access to a basic package of services. This package includes the right to work, special benefit, rent assistance, family allowance, maternity allowance, and family tax payment. TPV holders are also able to access Medicare and the early health assessment and intervention program, which includes, if required, torture and trauma counselling.

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(27) Output 2.1: Settlement Services**

Senator McKiernan asked: 'Please provide a breakdown of agencies/organisations that provide settlement services to TPV holders by State and by service provider.'

*Answer:*

The following are agencies with which DIMA liaises to initially assist TPV holders into the community or in the context of regular inter-agency fora, which vary by location. Additional services may be provided by agencies in the community which have chosen to offer support to TPV holders.

#### *NSW*

- Centrelink
- Medicare
- Health Insurance Commission
- Family And Community Services
- Australian Red Cross
- St Vincent de Paul
- The Australian Afghan Association

#### *Victoria*

- Victorian State Government
- Centrelink
- Medicare
- Health Insurance Commission
- Family And Community Services
- The Ecumenical Migration Centre
- Foundation for the Survivors of Torture and Trauma
- The Australian Iraqi Association
- Islamic Mosque at Preston
- The Australian Afghan Association

### *Queensland*

- Centrelink
- Medicare
- Queensland Program of Assistance for Survivors of Torture and Trauma
- Family And Community Services
- Romero Centre (operated by Catholic Church's Centre for Multicultural Pastoral Care)
- Commonwealth Bank
- South Brisbane Immigration and Community Legal Service

### *South Australia*

- Centrelink
- Adelaide Chest Clinic
- State Family & Youth Services
- State Department of Human Services
- South Australian Housing Trust
- Family And Child Services
- Medicare
- Australian Red Cross
- Foundation for the Survivors of Torture and Trauma
- Coalition for Justice for Refugees
- Adelaide TAFE
- Muslim Women's Association
- Medicare

### *Western Australia*

- Centrelink
- Medicare
- Australian Red Cross
- Family And Community Services
- ASeTTTS (Association for Services to Torture and Trauma Survivors)
- CARAD (Coalition for Assistance to Refugees After Detention)
- Health Western Australia

### *Tasmania*

- Centrelink
- Department of Housing and Aged Care
- Family And Community Services
- Health Insurance Commission
- Australian Red Cross
- Multicultural Tasmania
- Housing Tasmania
- Education Tasmania
- Tasmanian Department of Health
- Australian Red Cross
- Salvation Army
- City Missions
- St Vincent de Paul
- Colony 47
- Anglicare
- Voluntary English language training tutors

### *Northern Territory*

- Centrelink
- Medicare
- Family And Child Services
- Australian Red Cross
- Torture and Trauma Survivors Service of the NT
- The Islamic Society of the NT
- St Vincent de Paul
- NT Housing

### *ACT*

- Centrelink
- Family And Community Services
- Medicare
- Australian Red Cross
- ACT Government Office of Multicultural Affairs
- ACT Housing
- ACT Education
- ACT Torture and Trauma Services
- Companion House
- Migrant Resource Centre of Canberra and Queanbeyan

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(28) Output 2.1: Settlement Services**

Senator McKiernan asked: 'How do TPV holders access Medicare services and what process is involved for the issue of Medicare cards?'

*Answer:*

Shortly after arrival in their place of release, DIMA facilitates a meeting between Medicare and TPV holders. TPV holders may then lodge applications for Medicare cards.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(29) Output 2.1: Settlement Services**

Senator McKiernan asked: 'What arrangements have been put into place to facilitate the provision of settlement services to TPV holders between Centrelink and DIMA?'

*Answer:*

TPV holders are provided with information on income support. DIMA facilitates a meeting between TPV holders and Centrelink and, where necessary, provides an amount of cash assistance to those without adequate resources for use until Centrelink payments can begin.

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(30) Output 2.1: Settlement Services**

Senator McKiernan asked: 'What accommodation assistance is being provided to TPV holders?'

*Answer:*

Upon release to their destination city, DIMA arranges the first night's accommodation for TPV holders. The Commonwealth does not provide ongoing housing assistance to TPV holders.

Under the Commonwealth/State Housing Agreement, funding is provided to the States and Territories to provide appropriate, affordable and secure housing assistance for those whose needs cannot be met by the private market.

The Commonwealth does not stipulate the type of person to whom housing assistance can be provided beyond requiring that assistance be directed to those most in need for the duration of the need and on the basis of non-discrimination. While States and Territories usually reserve public housing assistance for persons with permanent resident status, who are eligible for income support, States and Territories determine their own priorities. However, in the case of crisis or emergency housing, the criterion applied for support is generally that of homelessness, or being 'at risk' of homelessness, rather than residency status.

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(31) Output 2.1: Settlement Services**

Senator McKiernan asked: 'What sort of Torture and Trauma counselling is being provided to TPV holders following their release from detention?'

*Answer:*

TPV holders are eligible for the Early Health Assessment and Intervention (EHAI) service under the Integrated Humanitarian Settlement Strategy. The service is delivered in all States and Territories by members of the *National Forum of Services for Survivors of Torture and Trauma*. The service includes provision information to entrants on the availability of EHAI and other health services. If an entrant chooses to access EHAI, they are offered a physical health screening and referral to other health services, if needed, as well as a comprehensive psychological and psychosocial assessment taking into account the effect of past experiences of trauma and torture. Where appropriate, the assessment is followed by a range of short-term psychological and psychosocial interventions, including counselling, that assist the entrant to manage their recovery from serious traumatic and psychological difficulties without further deterioration of their condition.



**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(32) Output 2.1: Settlement Services**

Senator McKiernan asked: 'To date, how many TPV holders have been resettled?'

*Answer:*

TPV holders are temporary residents and are not 'resettled'. As at 24 November 2000 there have been 3,438 TPVs granted. This comprises 871 granted in program year 1999-2000 and 2,567 granted in program year 2000-2001.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(33) Output 2.1: Settlement Services**

Senator McKiernan asked: 'Which cities and towns have received TPV holders?'

*Answer:*

TPV holders have been released to Sydney, Melbourne, Brisbane, Adelaide, Perth, Darwin, Canberra, Hobart and Launceston.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(34) Output 2.1: Settlement Services**

Senator McKiernan asked: 'How many [TPV holders have been received] in each town / city?'

*Answer:*

The numbers of TPV holders released as at 24 November 2000 to each city/town are:

Sydney	-	158
Melbourne	-	518
Brisbane	-	808
Adelaide	-	790
Perth	-	905
Darwin	-	85
Canberra	-	77
Hobart	-	51
Launceston	-	32

## **QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(35) Output 2.1: Settlement Services**

Senator McKiernan asked, 'Has the Department received representations from State Governments and community organisations raising serious concerns about DIMA's plans to resettle TPV holders without adequate settlement services?'

*Answer:*

Yes. TPV holders are provided with a level of services which meets Australia's international obligations. Persons eligible for a TPV have access to a basic package of services. This package includes the right to work, Special Benefit, Rent Assistance, Family Allowance, Maternity Allowance, and Family Tax payment. TPV holders are also able to access Medicare, the Early Health Assessment and Intervention Program which includes, if required, Torture and Trauma counselling. TPV holders without adequate personal means of support are provided with financial assistance, transportation and informed of available services when released from immigration reception and processing centres.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(36) Output 2.1: Settlement Services**

Senator McKiernan asked, 'Which State Governments have made representations?'

*Answer:*

Representations, concerning the release of TPV holders, have been received from various authors and agencies, including from some State Premiers. In order not to breach the confidence of these authors or the provisions of the *Privacy Act*, consent to release the correspondence and/or disclose personal information must be sought from each author. This permission will be sought and information regarding State Government authors will be provided, where permitted, in due course.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(37) Output 2.1: Settlement Services**

Senator McKiernan asked, 'Could you please provide copies of the letters (representations from State Governments and community organisations) to the Minister?'

*Answer:*

Before any copies of letters can be provided to the committee, consent to release the correspondence and/or disclose personal information must be sought from each author. Such permission will be sought and copies of correspondence so permitted to be released will be provided in due course.

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(38) Output 2.1: Settlement Services**

Senator McKiernan asked: 'What procedure is followed by DIMA following release of the TPV holders and prior to their resettlement in terms of community consultation and logistical preparations?'

*Answer:*

Before release from reception and processing centres, TPV holders are provided with information in their own language on services such as affordable accommodation, transport, health and income support. DIMA also facilitates the introduction of TPV holders to Centrelink and Medicare at an initial briefing shortly after their arrival in their place of release and, where necessary, provides an amount of cash assistance for use until Centrelink payments can begin. DIMA also gives as much notice as possible, up to four days, to relevant State or Territory Government agencies, and community agencies, of the release of groups of TPV holders. This notice includes demographic information including age, sex, nationality and languages, health issues where relevant, notice of Unaccompanied Humanitarian Minors and other relevant personal information.

DIMA facilitates transport from the detention facility and arranges the initial accommodation for TPV holders in their place of release. DIMA also arranges an initial briefing session, including use of interpreters, which some State agencies may attend.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(39) Output 2.1: Settlement Services**

Senator McKiernan asked, 'Does DIMA monitor the TPV holders once they are resettled?'

*Answer:*

DIMA does not specifically keep track of people who have been granted a TPV and are in the Australian community. They have permission to remain in Australia for three years.

Some broad information concerning only the numbers of TPV holders who claim Special Benefit, by State, is made available to DIMA by Centrelink.



## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(40) Output 1.1 Non-Humanitarian Entry and Stay**

Senator McKiernan (L&C 87) asked how many holders of ETAs applied for a three-month extension onshore in 1999-2000?

*Answer:*

In 1999-2000, 2,699,526 visitors arrived in Australia on an ETA.

Of these, 16,897 (or 0.63%) were granted a further visitor visa while in Australia. These visas can be broken down as follows:

- Short stay visitor visas (subclass 676): 433
- Long stay visitor visas (subclass 686): 16,327 (\*)
- Short stay medical treatment visas (subclass 675): 32
- Long stay medical treatment visas (subclass 685): 105.

(\*) Explanatory Note

ETA visitor visas allows for three months stay on each visit to Australia. If an ETA holder wants to apply for an extension of stay beyond that three months period, they have to apply for a Subclass 686 (long stay) visa, which allows them to stay in Australia for longer than three months.

Visitors onshore can only apply for a Subclass 676 (short stay) visa if the grant of that 676 visa does not extend the period of stay beyond three months from the date of last arrival. This explains why so few ETA holders actually apply for a Subclass 676 onshore.

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

#### **(41) Output 1.3: Enforcement of Immigration Law**

Senator McKiernan (L&C 88) asked: 'Have there been any dramatic changes in the total number of overstayers within Australia in recent times? I have seen some figures from the Olympics, but I think they referred particularly to the Olympic family rather than the number of visitors who came in at the same time as the Olympics. Can you supply a breakdown of the number of overstayers by nationality?'

*Answer:*

At the end of June 1998 it was estimated that there were in Australia 50,950 overstayers. At the end of June 1999 the estimated number of overstayers was 52,526. At the end of December 1999 the estimated number of overstayers was 53,131.

From June 1998 to December 1999 there was an estimated increase in the number of overstayers of 2,181 (4.3%).

The overstayers' figures for the period ending 30 June 2000 have not been finalised.

The impact of Olympic visitors on the overall overstayers statistics may become apparent when the end of calendar year overstayers estimates is made.

The tables below show the breakdown of overstayers by visa class and country of nationality (top15) for each of those periods.

## **Estimated number of unlawfully at 30 June 1998**

### **Visa category**

<b>Visitors</b>	40,477
<b>Students</b>	2,936
<b>Temporary Residents</b>	3,094
<b>Other</b>	4,443
<b>Total</b>	<b>50,950</b>

### **Composition by country of citizenship – top 15 countries**

United Kingdom	5,855
USA	4,737
Indonesia	3,564
Philippines	2,717
Japan	2,556
PRC	2,541
Korea – Republic of	1,882
Fiji	1,518
Malaysia	1,423
Germany	1,389
Thailand	1,287
India	1,150
Singapore	1,083
France	1,071
Tonga	1,032

## **Estimated number of unlawfully at 30 June 1999**

### **Visa category**

<b>Visitors</b>	41750
<b>Students</b>	3083
<b>Temporary Residents</b>	3200
<b>Other</b>	4493

**Total** **52526**

### **Composition by country of citizenship – top 15 countries**

United Kingdom	5759
USA	4646
Indonesia	3358
PRC	3243
Philippines	2923
Japan	2652
Korea, Republic Of	2144
Malaysia	1631
Germany	1405
Fiji	1385
Thailand	1355
India	1210
Singapore	1109
France	1086
Tonga	1008

## **Estimated number of unlawfully at 31 December 1999**

### **Visa category**

<b>Visitors</b>	43135
<b>Students</b>	2897
<b>Temporary Residents</b>	3005
<b>Other</b>	4093

**Total** **53131**

### **Composition by country of citizenship – top 15 countries**

United Kingdom	5561
USA	4557
PRC	3487
Indonesia	3462
Philippines	3290
Japan	2531
Korea, Republic Of	2222
Malaysia	1733
Thailand	1400
Fiji	1380
Germany	1364
India	1286
France	1089
Singapore	1075
Tonga	1064

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(42) Output 1.1: Non-Humanitarian Entry and Stay**

Senator McKiernan (L&C 88) asked how many applications in the parent visa category the Department is receiving on a monthly basis.

Answer:

Over the past 12 months (11/99-10/00), the Department received Parent visa applications (subclass 103 and 804) from an average 145 persons per month.

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

#### (43) Internal Products

Senator McKiernan (L&C 90) asked, "Could I be supplied with the detail of all of the overseas visits that the minister has undertaken as the Minister for Immigration in the period of time that he has held that office. The countries that he has visited and the length of stay in each country over the time that the minister has been in office would be appreciated".

*Answer:*

The Minister's international visits are detailed in the table below.

Trip	Date	Country
<b>Switzerland &amp; Papua New Guinea 1- 6 Oct 2000</b> * Note – Minister did not stay overnight in PNG	1 – 4 October 2000	Switzerland
	6 – 6 October 2000	Papua New Guinea
<b>Singapore, Malaysia, Thailand, India &amp; France 9 – 22 July 2000</b>	9 – 11 July 2000	Singapore
	11 – 13 July 2000	Malaysia
	13 – 15 July 2000	Thailand
	15 – 19 July 2000	India
	19 – 22 July 2000	France
<b>UK, Germany, Switzerland, The Netherlands, Belgium &amp; Italy 16 March – 2 April 2000</b>	18 – 21 March 2000	UK
	17 – 18 March & 21 – 22 March 2000	Switzerland
	22 – 26 March 2000	Germany
	26 - 28 March 2000	Belgium
	28 - 29 March 2000	The Netherlands
	29 March – 1 April 2000	Italy
<b>New Zealand &amp; Norfolk Island 25 – 30 April 2000</b>	25 – 30 April 2000	New Zealand
	30 April 2000	Norfolk Island
<b>Indonesia 31 January - 1 February 2000</b>	31 January – 1 February 2000	Indonesia
<b>Jordan, Syria, Turkey, Iran &amp;</b>		

Trip	Date	Country
<b>Pakistan 9 – 25 January</b>	10 – 12 January 2000	Jordan
	12 – 14 January 2000	Syria
	14 – 17 January 2000	Turkey
	18 – 20 January 2000	Iran
	21 – 24 January 2000	Pakistan
<b>China &amp; Hong Kong 3 – 14 November 1999</b>	4 – 12 November 1999	China
	12 – 14 November 1999	Hong Kong
<b>Canada, USA, Brazil, Chile, Argentina &amp; New Zealand 4 – 22 July 1999</b>	4 – 7 July 1999	Canada
	7 – 11 July 1999	USA
	11 - 14 July 1999	Brazil
	14 – 16 July 1999	Chile
	16-19 July 1999	Argentina
	20 – 22 July 1999	New Zealand
<b>Thailand 20 – 26 April</b>	20 – 26 April 1999	Thailand
<b>South Africa, Kenya, Rwanda, Egypt &amp; UK 7 – 24 January 1999</b>	8 – 14 January 1999	South Africa
	14 – 15 & 16 - 18 January 1999	Kenya
	15 – 16 January 1999	Rwanda
	18 – 21 January 1999	Egypt
	21 – 23 January 1999	UK
<b>Turkey, Greece &amp; FYROM 20 April – 1 May 1998</b>	21 – 26 April 1998	Turkey
	26 – 28 April 1998	Greece
	28 April - 1 May 1998	FYROM
<b>Indonesia, Malaysia, Hong Kong, China &amp; The Philippines 4 – 21 September 1997</b>	4 – 6 September 1997	Indonesia
	6 – 8 September 1997	Malaysia
	8 – 10 September 1997	Hong Kong
	10 – 17 September 1997	China
	17 – 20 September 1997	The Philippines



Trip	Date	Country
<b>UK, Austria, Bosnia, Croatia, Yugoslavia, FYROM, Turkey &amp; Greece</b> <b>3- 24 July 1997</b>	4 – 6 July 1997	UK
	6-8July & 16-17 July 1997	Austria
	8 – 10 July & 11 – 13 July 1997	Croatia
	10 – 12 July 1997	Bosnia-Herzegovina
	13 – 16 July 1997	Yugoslavia
	16 July 1997	FYROM
	17 – 20 July 1997	Turkey
	20 – 22 July 1997	Greece
<b>UK, Jordan, UAE, Syria, Lebanon, Switzerland &amp; Israel</b> <b>22 September – 13 October 1996</b>	23 – 29 September 1996	UK
	29 – 30 September 1996	Jordan
	1 – 2 October 1996	UAE
	2 – 3 October 1996	Syria
	3 – 6 October 1996	Lebanon
	6 – 9 October 1996	Switzerland
	9 – 12 October 1996	Israel
<b>China &amp; Hong Kong 11 - 16 August 1996</b>	11 – 12 & 15 August 1996	Hong Kong
	13 – 14 & 16 August 1996	China

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(44) Output 1.3: Enforcement of Immigration Law**

Senator McKiernan (L&C 94) asked: 'Was the Minister informed on a formal basis in July when FAYS were first brought in to inquire into the allegations?'

*Answer:*

Records indicate that the Minister was briefed on this matter on 30 August 2000.

Normal operational practice is that when allegations in relation to incidents at centres come to the Department's attention, the Department's first priority is to ensure proper investigations are commenced.

The Department would normally brief the Minister progressively as updates or outcomes from investigations came to hand.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(45) Output 1.3: Enforcement of Immigration Law**

Senator McKiernan (L&C 95) asked the Department to confirm that the female in the *Australian* newspaper article of 15 November is in fact the same as the case discussed at the hearing.

*Answer:*

The allegations appear prima facie to relate to the same case. However, given the limited detail provided in the *Australian* article of 15 November 2000, it cannot categorically be stated that the person referred to is the same person Ms Godwin referred to in her evidence to Senate Estimates on Wednesday 22 November.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(46) Output 1.3: Enforcement of Immigration Law**

Senator McKiernan (L&C 99) asked the Department to confirm that FAYS has commenced training of ACM officers in Woomera.

*Answer:*

Yes, FAYS has conducted training at the Woomera IRPC for ACM officers. In addition, FAYS is scheduled to provide Train the Trainer Mandated Notifier training to ACM staff training officers on 19 December and continuing in 2001.

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

#### (47) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 101) asked what is the government's determination of the legal status of children or juveniles who are detained with their parents because of their illegal entry into Australia? Is this position consistent with Australia's treaty agreements – for example, the Beijing rules on the rights of children in detention? (Supplement response provided at hearing).

*Answer:*

Australia's *Migration Act 1958* requires that all non-citizens who are unlawfully in Australia must be detained and that, unless they are granted permission to remain in Australia, their removal be effected as soon as practicable. Under this legislation, no differentiation is made in the treatment of adults and minors, with children in their own right legally assuming the same immigration status as their parents.

The Australian Government's legal advice is that the detention of unauthorised arrivals, including of minors, is not arbitrary and does not flow from an administrative decision. Detention of unauthorised arrivals is clearly prescribed in legislation, is subject to both administrative and judicial review, and is subject to full parliamentary scrutiny and accountability.

The Australian Government is a signatory to the United Nations Convention on the Rights of the Child (UNCROC), and is committed to its responsibility for the care of minors under this Treaty. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985, generally known as *The Beijing Rules*, do not have Treaty status and thus are not binding on the Australian Government. They may be of assistance in implementing our treaty obligations and to that extent, they are of relevance.

## **QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(48) Output 1.3: Enforcement of Immigration Law**

Senator McKiernan (L&C 102) asked, 'Specifically what qualification and experience does ACM as an organisation have in regard to the management of children and juveniles?'

*Answer:*

Following an exhaustive tender process Australasian Correctional Services Pty Ltd (ACS) was selected from a number of tenderers. Actual service delivery has been subcontracted to Australasian Correctional Management Pty Ltd (ACM), the operational arm of ACS.

The contract and the Immigration Detention Standards detail what the service provider is required to deliver.

These standards set out the service provider's obligations to meet the individual care needs of detainees in a culturally appropriate way while at the same time providing safe and secure detention.

Detention programs and services must be consistent with Commonwealth and State laws.

To fulfil its contractual obligations, ACM recruits staff with relevant professional qualifications to deliver these specific services to, eg medical practitioners, nurses, psychiatrists, dentists, teachers, etc. In addition, all ACM staff undergo a comprehensive, competency based training course designed to raise awareness of detention officers about the needs of detainees, especially those with special needs.

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(49) Output 1.3: Enforcement of Immigration Law**

Senator McKiernan (L&C 102) asked: "We asked some questions earlier on training, that is, the training that the guard staff had in dealing with the children and juveniles, both male and female, taking into account the different cultural backgrounds that the children have. What training is put in place to deal with the difficulties that arise in those circumstances? What training has been given to staff to handle and manage negative behaviour from children or juveniles who are suffering as a result of the trauma that they experienced in transit in coming to Australia? If there are any special programs in existence, we would be pleased to receive more detail on that."

*Answer:*

The contract and the Immigration Detention Standards detail what ACM is required to deliver. These standards set out ACM's obligations to meet the individual care needs of detainees in a culturally appropriate way while at the same time providing safe and secure detention.

ACM recruits staff with relevant professional qualifications to deliver specific services, eg medical practitioners, nurses, psychiatrists, dentists, teachers, etc.

In addition, all ACM staff undergo a comprehensive, competency based training course designed to raise awareness of detention officers about the needs of detainees, especially those with special needs.

The accredited competency based training course for detention officers, which must be successfully completed prior to employment, includes the following modules:

- Sexual harassment
- Cultural Awareness
- Effects of Detention
- Torture and Trauma
- High Risk Alert Team policies and procedures

All staff are trained to recognise symptoms that may indicate a person affected by torture or trauma and to refer them to the appropriate health professionals.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(50) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator McKiernan (L&C 103-104) asked for a breakdown by gender of persons who have been granted TPVs.

*Answer:*

As at 24 November 2000, 3,438 persons had been granted TPVs, which comprised 2,994 males and 444 females.



## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(51) Outputs 1.1 and 1.2: Non-Humanitarian Entry and Stay and Refugee and Humanitarian Entry and Stay**

Senator McKiernan (L&C 105) asked if it is possible to provide some further detail of the number of times the discretion has been exercised and the areas where it has been exercised – for example, maybe the grant of a spouse visa to a person who wants to remain with their Australian national spouse or partner, or even in the case of a protection visa – and provide a breakdown of the nationality of the people to whom the individual visas have been issued by virtue of the exercise of the discretion?

*Answer:*

The Minister's discretion to intervene is available under Sections 345, 351 and 417 of the *Migration Act 1958*.

The requested information is given in the following tables:

Tables A (i) and (ii) list the number of visa grants by category of visa, for the periods 1/7/99 – 30/6/00 and 1/7/00 – 30/11/00 respectively; and

Tables B (i) and (ii) list the number of visa grants by nationality, for the same period of time.

**TABLE A (i)****Intervention cases - number and class of visas granted by the Minister****999 - 30 June 2000**

Visa Class	Visa Grants		Visa Grants	
	s417 Cases	s417	s45/351 Cases	s345/351
100 (spouse)		0	2	3
101 (Child)		0	1	1
103 (Child)		0	4	9
104 (preferential fami		0	3	9
105 (Skilled)		0	1	3
114 (Aged dependent		0	1	1
115 (Remaining relati		0	1	1
155 (Five year residen		0	1	1
202 (Globa	1	4		0
428 (Relig	1	1		0
449 (Huma	1	5		0
685 (Medi	1	1		0
785 (Temp	3	3		0
801 (Spous	4	4	5	6
802 (Child	1	1		0
804 (Aged	2	2	2	3
806 (Fami	11	17	14	15
816 Specia	3	5	4	10
820 (Spous	62	67	22	24
826 (Interd	1	1		0
832 (Close ties)		0	12	15
833 (Certain unlawful		0	1	2
835 (Rema	2	6		0
836 (Carer	1	1		0
838 (Aged	2	2	1	1
845 (Estab	1	4		0
850 (Resol	1	1		0
851 (Resol	6	6		0
856 (Empl	35	38	3	5
866 (Prote	40	71		0
<b>Total</b>	<b>179</b>	<b>240</b>	<b>78</b>	<b>109</b>

**TABLE A (ii)****Intervention cases - number and class of visas granted by the Minister****1 July 2000 - 30 November 2000**

<b>Visa Class</b>	<b>Visa Grants s417</b>	<b>Visa Grants s345/351</b>
100 (spouse)	0	0
101 (Child)	0	0
103 (Child)	0	4
104 (preferential family)	0	1
105 (Skilled)	0	1
114 (Aged dependent relative)	0	2
115 (Remaining relative)	0	1
155 (Five year resident return)	0	0
202 (Global special humanitarian)	0	0
457 (Business Long Stay)	1	0
685 (Medical Long Stay)	1	0
785 (Temporary protection)	1	0
801 (Spouse)	4	0
802 (Child)	1	0
804 (Aged Parent)	0	0
806 (Family)	0	3
816 Special (permanent) entry permit	3	0
820 (Spouse)	81	18
826 (Interdependency)	1	0
832 (Close ties)	24	28
833 (Certain unlawful non-citizen)	0	0
835 (Remaining relative)	27	0
836 (Carer)	1	0
838 (Aged dependent relative)	0	0
845 (Established business in Australia)	0	0
851 (Resolution of status)	3	0
856 (Employer Nomination Scheme)	0	0
858 (Distinguished Talent)	0	3
866 (Protection)	47	0
<b>Total</b>	<b>195</b>	<b>61</b>

**TABLE B (i)****Nationality of Intervention cases considered where visas granted by the Minister****1 July 1999 - 30 June 2000**

<b>Country</b>	<b>Visa Grants s417</b>	<b>Visa Grants s345/351</b>
Afganistan	1	0
Algeria	6	0
Argentina	0	0
Armenia	0	0
Bahrain	1	0
Bangladesh	0	1
Bolivia	0	0
Bosnia	0	0
Brazil	1	0
Bulgaria	2	0
Burma	2	0
Cambodia	2	0
Canada	5	0
Chad	0	0
Chile	1	0
Colombia	4	0
East Timor	0	0
Ecuador	2	0
Egypt	6	1
El Salvador	2	0
Estonia	1	0
Ethiopia	17	0
Fiji	18	16
France	0	1
Gaza Strip	1	0
Germany	0	3
Ghana	2	0
Greece	3	0
Guyana	0	2
Hong Kong SAR	0	1
Hungary	5	0
India	4	1
Indonesia	7	0
Iran	11	4
Iraq	0	5
Ireland	0	4
Israel	0	1
Italy	0	1
Japan	0	2
Kazakhstan	1	0
Kenya	1	0
Korea	12	1
Laos	2	0
Lebanon	22	6
Liberia	1	0

Libya	2	0
Macedonia	0	2
Malaysia	0	0
Malta	0	3
Mauritius	0	1
Morocco	0	0
Nepal	6	1
Nigeria	1	1
Pakistan	9	0
Philippines	7	2
Poland	2	0
PRC	21	3
Romania	0	0
Russia	15	3
Samoa	2	0
Somalia	2	0
South Africa	1	3
Spain	0	1
Sri Lanka	11	3
Stateless	0	1
Sudan	1	0
Syria	4	0
Thailand	0	3
Tonga	0	12
Turkey	3	1
UK	0	9
Ukraine	1	0
Uruguay	0	0
USA	0	2
Vietnam	6	4
Western Samoa	0	4
Yugoslavia	3	0
<b>Total</b>	<b>240</b>	<b>109</b>

**TABLE B (ii)****Nationality of Intervention cases where visas granted by the Minister****1 July 2000 - 30 November 2000**

<b>Country</b>	<b>Visa Grants s417</b>	<b>Visa Grants s345/351</b>
Algeria	2	0
Argentina	1	0
Armenia	1	0
Bolivia	3	0
Bosnia	2	0
Brazil	1	0
Burma	7	0
Cambodia	1	0
Canada	1	0
Chad	1	0
Chile	1	0
Colombia	4	0
East Timor	5	0
Ecuador	1	0
Egypt	4	0
Fiji	6	7
France	0	3
Ghana	3	0
Greece	3	0
Hong Kong SAR	0	1
Hungary	3	0
India	7	0
Indonesia	16	0
Iran	2	1
Iraq	1	0
Italy	0	1
Korea	4	2
Lebanon	15	2
Libya	1	0
Malaysia	1	2
Morocco	3	0
Nepal	3	0
Nigeria	1	1
Pakistan	2	0
Philippines	10	5
Poland	0	1
PRC	14	2
Romania	4	3
Russia	15	3
Samoa	3	0
Singapore	0	5
Somalia	1	0
South Africa	3	3
Sri Lanka	12	2
Stateless	3	1

Sudan	4	0
Syria	3	0
Thailand	0	1
Tonga	4	5
Turkey	4	0
UK	0	10
Uruguay	2	0
Vietnam	5	0
Yugoslavia	2	0
<b>Total</b>	<b>195</b>	<b>61</b>

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 22 November 2000

#### IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

#### **(52) Output 1.1: Non-humanitarian entry and stay**

Senator McKiernan (L&C 105 -106) stated that he had received information about a trial scheme in place for the management and handling of onshore spouse (subclass 820) temporary visa applications and that they are being processed outside of the Department on a trial basis. Senator McKiernan asked to be provided with some further detail of the pilot program, if it is so described, and what the program itself contains.

*Answer:*

The Department over the last year has introduced revised procedures for the onshore processing of residence applications including onshore spouse (subclass 820) visas.

These procedures aim to improve turnaround times, client service and efficiency whilst at the same time maintaining a high level of integrity.

The procedures seek to maximise the number of complete applications received; minimise the number of repeat contacts with a client on the same application; establish a clear appointment time for the interview at an early stage; allocate a case manager early in processing and thereby provide a focus for any case inquiries; enable front-end loading of application processing; and allow for on the spot processing where an applicant provides all the necessary documentation to enable assessment at the time of interview.

The procedures are operating at most of the Department's regional offices in Australia. However, due to the significant volume of applications, they have not yet been implemented fully in NSW offices. At the Parramatta regional office, a trial has been introduced incorporating the principles of the revised procedures. This involves working with the Migration Institute of Australia and some 18 migration agents to facilitate speedier processing of fully completed onshore spouse (subclass 820) applications. All processing and decision making remains with departmental officers. If this trial is successful NSW offices would move to the wider implementation of the revised procedures.



Senate Legal and Constitutional Legislation Committee  
**Immigration and Multicultural Affairs Portfolio**  
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