

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2003

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(102) Output 1.1: Non-Humanitarian Entry and Stay

Senator Sherry asked:

The non-humanitarian program has reached record levels with 2002-03 annual report showing 66,000 in the skilled stream and nearly 41,000 in the family stream.

- (1) Can the Department provide figures for both the Skill Stream and the Family stream for the last financial year of the country of origin of the successful applicants?
- (2) Can the Department provide the same figures for unsuccessful applicants?
- (3) Can the Department provide an update on the number of applications for the new Professional Development Visa since its introduction earlier this year, and how many visas have been granted?
- (4) Can the Department give details of how many Contributory Parent Visas have been applied for and granted since their introduction? Which countries have these applications been made from?
- (5) Please provide figures for the past financial year on numbers in each of the Regional Skilled Migration programs (by each program type) and the locations (by Electorate if possible) of where these have been granted.
- (6) Has there been a recent review or evaluation of the current Regional Skilled Migration programs? If so, can a copy be provided? If not, is one being planned or underway?

Answer:

(1) and (2) Departmental data for the 2002-03 financial year underline the diversity of Australia's migration intake. Successful Skill Stream applicants came from over 140 countries, while successful Family Stream applicants came from over 180 countries.

Attachment A summarises the number of source countries within the Migration Program for 2002-03.

Attachment A also provides an overview of the top 20 source countries of successful and unsuccessful applicants.

In 2002-03, the top 5 countries of origin of successful Skill Stream applicants were: the United Kingdom (24% of Skill Stream outcome); India (12%); South Africa (10%); the People's Republic of China (8%); and Malaysia (7%).

In 2002-03, the top 5 countries of origin of unsuccessful Skill Stream applicants were: the People's Republic of China (12% of refused or withdrawn applications by person);

India (11%); the United Kingdom (10%); Indonesia (6%); and South Africa (6%).

In 2002-03, the top 5 countries of origin of successful Family Stream applicants were: the United Kingdom (14% of Family Stream outcome); the People's Republic of China (10%); Vietnam (7%); the Philippines (6%); and the United States of America (5%).

In 2002-03, the top 5 countries of origin of unsuccessful Skill Stream applicants were: the People's Republic of China (12% of refused or withdrawn applications by person); Vietnam (9%); the United Kingdom (6%); the Philippines (4%); and Cambodia (3%).

(3) As at 31 October 2003 the Department had received the following numbers of applications under the Professional Development Visa scheme that was launched on 1 July 2003:

	Professional Development Sponsorship Applications	Professional Development Visa Applications
Received	9	25
Approved	8	19
Refused	0	0
Undecided	1	5
Withdrawn	0	1

While the above numbers are small at this stage, the industry has showed strong interest in this new visa and on this basis the Department expects strong growth over the next 6-18 months.

(4) There are four visa subclasses in the new contributory parent category – two permanent and two temporary.

The permanent visas are the:

- Contributory Parent (subclass 143) visa for parents of any age; and
- Contributory Aged Parent (subclass 864) visa for aged parents in Australia.

The temporary visas are the:

- Contributory Parent (Temporary) (subclass 173) visa for parents of any age; and
- Contributory Aged Parent (Temporary) (subclass 884) visa for aged parents in Australia.

Applicants for a visa in the contributory parent category are required to pay a health charge of \$25,000 per adult to apply directly for a permanent visa. Alternatively, applicants can choose to spread the payments by initially paying a \$15,000 first instalment for a two-year temporary visa with access to Medicare and full work rights. At any time during the two-year period, applicants can apply for a permanent visa by paying the remaining \$10,000 health charge. Immediately prior to grant of the permanent visa, applicants will also have to lodge a \$10,000 Assurance of Support bond (\$14,000 per couple) to help cover any social security costs in the first 10 years of residence.

Attachment B details the countries of origin of Contributory Parent visa applicants and those granted visas to date.

(5)

Regional Sponsored Migration Scheme

State Specific and Regional Migration initiatives accounted for an outcome of 7,941 visas in 2002-03. This is an increase of 92 per cent over the 2001-02 outcome of 4,136 and is the highest outcome since the introduction of the initiatives in 1996-97. This outcome represents over 12 per cent of the total Skill Stream in 2002-03. Nearly 25,000 such visas have been granted since 1996-97.

Further growth is expected in 2003-04 as more State and Territory Governments and regional authorities use the mechanisms that are available.

Attachment C details visas granted under State Specific Migration Mechanisms for the period 1996-97 to 30 June 2003.

(6) An 'Evaluation of the Regional Sponsored Migration Scheme' was completed by the National Institute of Labour Studies (NILS) in August 2000. A copy is at Attachment D.

This evaluation was undertaken during the initial phase of the scheme and therefore only provides a preliminary assessment. It found that nearly all Regional Sponsored Migration Scheme (RSMS) principal applicants, 96 per cent, were in full-time jobs, and nearly all were in a highly skilled professional, managerial or skilled trades job. It also found that more than 90% were 'very satisfied' or 'satisfied' with their present job, a much higher proportion than found in the workforce at large. Because it was conducted at such an early stage, the NILS survey was inconclusive on the issue of whether the RSMS was succeeding in keeping migrants in the regions.

The Joint Standing Committee on Migration (JSCM) report, *New Faces, New Places – a review of State-specific Migration Mechanisms*, September 2001, made a number of recommendations about the operation of both the RSMS and the Skilled Designated Area Sponsored (SDAS) scheme.

Following the JSCM recommendations, the Commonwealth/State Research Advisory Committee (RAC) agreed to commission a further survey of RSMS, which has now been in operation for 8 years, as well as a survey of the SDAS.

The surveys of migrants visaed under the Regional Skilled Migration Scheme and the Skilled Designated Area Sponsored program will investigate the experiences of these migrants and determine the extent to which the programs are succeeding in settling migrants in regional Australia. The surveys will be undertaken by computer assisted telephone interviews. The sample interviewed is to be chosen to be representative of a range of regional migrants, in small, to medium towns and also the cities covered by the programs. The surveys will provide a quantitative basis for evaluation of the effectiveness of the two regional migration schemes.

A contract has been signed with a Sydney based market research company to undertake the interviews, and results are expected by mid 2004.

State and Territory Nominated Independent (STNI) visas

In consultation with the participating States, DIMIA has recently developed guidelines for monitoring of migrants arriving under the STNI scheme. Under these guidelines, participating States/Territories report to DIMIA on a six-monthly basis on:

- Numbers arriving in six-monthly intervals;
- Current employment status;
- Living in State - capital/non-capital; and
- Not living in State.

States/Territories maintain contact with the nominee during the period leading up to visa grant and prior to arrival in Australia.

Shortly after arrival, States/Territories make contact with their nominee during the settling in period, and then at six-monthly intervals for at least a two-year period.

Participating States began reporting in accordance with the guidelines in November 2002 (prior to this Victoria and South Australia had their own monitoring procedures in place). The information provided by South Australia and Victoria indicates that the STNI scheme is achieving its objectives and that the majority of successful applicants arrive in Australia, reside in the nominating State and successfully find employment in their nominated occupation. Tasmania began participating in the scheme this year and has had six visa grants since May 2003, but no arrivals as yet.

The most recent report for South Australia, which covers the period 1 January 2001 to 30 June 2003, indicates the following:

The total number of arrivals was 44 with 34 nominees living in South Australia (all 34 are residing in Adelaide). Of the ten nominees not living in South Australia, one has returned home, three have not yet responded, and the remaining six have left the state. Of STNI nominees living in South Australia, 88 per cent are currently employed.

Victoria reported the following key findings, for the period 1 July 1999 to 31 October 2003:

The total number of arrivals was 180, with 17 residing in regional Victoria, 102 residing in Melbourne and five residing outside Victoria. The 56 remaining arrivals consist of 16 who were unable to be contacted, 9 for whom monitoring has been completed and 31 who did not return their monitoring form. Of the 17 in regional Victoria, all 17 have secured employment in their preferred occupation. Of the 102 living in Melbourne 80 (78 per cent) have secured employment, with 79 of these 80 securing employment in their preferred occupation. 143 nominees are yet to arrive. Of the five nominees not living in Victoria, three are residing interstate in regional areas and two are residing interstate in metropolitan areas.

Diversity of Migration Program

Migration Program - 2002-03 - Source Countries					
Visa grants - Principal applicants and dependants					
<i>Stream</i>	Offshore		Onshore		Total*
	Grants	No. of countries	Grants	No. of countries	Grants
SKILL	48001	>140	18049	>125	66050
FAMILY	12305	>165	28485	>180	40790
SPECIAL ELIGIBILITY	215	>25	1015	>40	1230
TOTAL	60521		47549		108070

Source: ORS Management Report

Notes:

*Data adjusted to account for netting out for the purposes of recording the Migration Program Outcome

Uses Country of Citizenship data

Skill Stream Countries - Grants

Skill Stream - 2002-03 - Top 20 Source Countries

Visa grants - Principal applicants and dependants

Country	Offshore		Onshore		Total*	
	Grants	%	Grants	%	Grants	%
United Kingdom	13170	27%	2744	15%	15914	24%
India	5993	12%	2217	12%	8210	12%
South Africa	5227	11%	1429	8%	6656	10%
China	3352	7%	2244	12%	5596	8%
Malaysia	3400	7%	907	5%	4307	7%
Indonesia	2321	5%	1160	6%	3481	5%
Singapore	1772	4%	558	3%	2330	4%
Philippines	1260	3%	231	1%	1491	2%
Hong Kong	932	2%	518	3%	1450	2%
Sri Lanka	1121	2%	251	1%	1372	2%
South Korea	538	1%	813	5%	1351	2%
Taiwan	930	2%	261	1%	1191	2%
Zimbabwe	935	2%	193	1%	1128	2%
Fiji	902	2%	126	1%	1028	2%
USA	439	1%	337	2%	776	1%
Ireland	529	1%	213	1%	742	1%
Pakistan	452	1%	246	1%	698	1%
Germany	398	1%	242	1%	640	1%
Japan	271	1%	330	2%	601	1%
Bangladesh	204	0%	341	2%	545	1%
All countries	48001		18049		66050	

Source: ORS Management Report

Notes:

*Data adjusted to account for netting out for the purposes of recording the Migration Program Outcome

Excludes Special Eligibility visa grants

Uses Country of Citizenship data

Skill Stream Countries - Unsuccessful applicants

Skill Stream - 2002-03 - Top 20 Source Countries
Unsuccessful applications - Refusals and Withdrawals - Persons

Country	Offshore		Onshore		Total*	
	Refusals	%	Refusals	%	Refusals	%
China	1293	11%	504	15%	1797	12%
India	1362	12%	307	9%	1669	11%
United Kingdom	1323	11%	235	7%	1558	10%
Indonesia	808	7%	144	4%	952	6%
South Africa	806	7%	95	3%	901	6%
Philippines	613	5%	58	2%	671	5%
Malaysia	462	4%	186	6%	648	4%
Pakistan	448	4%	68	2%	516	3%
South Korea	218	2%	268	8%	486	3%
Singapore	304	3%	128	4%	432	3%
Hong Kong	306	3%	118	4%	424	3%
Fiji	364	3%	48	1%	412	3%
Sri Lanka	251	2%	74	2%	325	2%
Zimbabwe	223	2%	13	0%	236	2%
Taiwan	138	1%	71	2%	209	1%
Bangladesh	131	1%	70	2%	201	1%
Germany	139	1%	29	1%	168	1%
USA	91	1%	66	2%	157	1%
Japan	59	1%	77	2%	136	1%
Ireland	95	1%	12	0%	107	1%
All countries	11546		3302		14848	

Source: ORS Management Report

Notes:

Percentages expressed by total count of refusals and withdrawals by persons (PA and dependants)

*Data adjusted to account for netting out for the purposes of recording the Migration Program Outcome

Excludes Special Eligibility visa grants

Uses Country of Citizenship data

Family Stream Countries - Grants

Family Stream - 2002-03 - Top 20 Source Countries						
Visa grants - Principal applicants and dependants						
Country	Offshore		Onshore		Total*	
	Grants	%	Grants	%	Grants	%
United Kingdom	2608	21%	3119	11%	5727	14%
China	3133	25%	812	3%	3945	10%
Vietnam	2291	19%	756	3%	3047	7%
Philippines	1862	15%	666	2%	2528	6%
USA	666	5%	1199	4%	1865	5%
Lebanon	1371	11%	382	1%	1753	4%
Thailand	1025	8%	599	2%	1624	4%
India	1265	10%	354	1%	1619	4%
Indonesia	643	5%	568	2%	1211	3%
Canada	335	3%	577	2%	912	2%
Japan	290	2%	573	2%	863	2%
South Korea	232	2%	622	2%	854	2%
Fiji	576	5%	276	1%	852	2%
South Africa	430	3%	272	1%	702	2%
Germany	274	2%	355	1%	629	2%
Turkey	492	4%	129	0%	621	2%
Cambodia	542	4%	68	0%	610	1%
Sri Lanka	466	4%	131	0%	597	1%
Malaysia	236	2%	351	1%	587	1%
Ireland	227	2%	355	1%	582	1%
All countries	12305		28485		40790	

Source: ORS Management Report

Notes:

Excludes Special Eligibility visa grants

*Data adjusted to account for netting out for the purposes of recording the Migration Program Outcome

Temporary Partner visas are counted toward Family Stream total

Excludes Special Eligibility visa grants

Uses Country of Citizenship data

Family Stream Countries - Unsuccessful applicants

Family Stream - 2002-03 - Top 20 Source Countries						
Unsuccessful applications - Refusals and Withdrawals - Persons						
Country	Offshore		Onshore		Total*	
	Refusals	%	Refusals	%	Refusals	%
China	2126	20%	212	3%	2338	13%
Vietnam	1422	13%	168	2%	1590	9%
United Kingdom	565	5%	427	6%	992	6%
Philippines	587	6%	135	2%	722	4%
Cambodia	589	6%	17	0%	606	3%
Fiji	370	4%	130	2%	500	3%
India	247	2%	148	2%	395	2%
USA	136	1%	254	4%	390	2%
Lebanon	347	3%	30	0%	377	2%
Thailand	262	2%	78	1%	340	2%
Turkey	237	2%	31	0%	268	2%
Indonesia	107	1%	59	1%	166	1%
Sri Lanka	104	1%	53	1%	157	1%
Canada	55	1%	97	1%	152	1%
South Africa	84	1%	57	1%	141	1%
South Korea	18	0%	108	2%	126	1%
Malaysia	37	0%	74	1%	111	1%
Germany	40	0%	53	1%	93	1%
Japan	29	0%	61	1%	90	1%
Ireland	31	0%	44	1%	75	0.4%
All countries	10570		6771		17341	

Source: ORS Management Report

Notes:

Percentages expressed by total count of refusals and withdrawals by persons (PA and dependants)

*Data adjusted to account for netting out for the purposes of recording the Migration Program Outcome

Temporary Partner visas are counted toward Family Stream total

Excludes Special Eligibility visa grants

Uses Country of Citizenship data

Contributory Parent (Migrant) – subclass 143

The Contributory Parent (subclass 143) visa is an 'offshore' permanent visa for parents of any age.

**Applications and grants by country of citizenship from
27 June 2003 — 31 October 2003**

Country of Citizenship	Applications (persons)	Grants (persons)
Afghanistan	1	0
Albania	1	0
Argentina	2	0
Armenia	1	0
Belarus	3	0
Bosnia-Herzegovina	3	0
Botswana	1	0
Brazil	3	0
Brunei Darussallam	2	0
Bulgaria	4	0
Burma (Myanmar)	8	0
Cambodia, the Kingdom of	28	0
Canada	6	0
Chile	1	0
China, Peoples Republic of	928	43
Colombia	2	0
Denmark	3	0
Egypt, Arab Republic of	3	0
El Salvador	2	0
Ethiopia	3	0
Fiji	75	0
Fmr Yugo Rep of Macedonia	16	0
Germany, Federal Rep. Of	10	0
Greece	1	0
HKSAR of the PRC	125	1
Hungary	3	0
India	76	1
Indonesia	58	0
Iran	9	0
Iraq	5	0
Irish Republic	7	0
Israel	11	0
Italy	1	0
Japan	7	0
Jordan	2	0
Kazakhstan	1	0
Kenya	8	0
Korea, Republic of	123	2
Kuwait	2	0
Latvia	2	0

Contributory Parent (Migrant) – subclass 143 – continued

Country of Citizenship	Applications (persons)	Grants (persons)
Lithuania	4	0
Malaysia	51	0
Mauritius	3	0
Morocco	1	0
Namibia	2	0
Nepal	1	0
Netherlands	4	0
New Caledonia	1	0
New Zealand	2	0
Nigeria	1	0
Pakistan	10	0
Papua New Guinea	2	0
Philippines	9	2
Poland	5	0
Portugal	2	0
Romania	3	0
Russian Federation	34	0
Serbia and Montenegro	2	0
Singapore	33	2
South Africa, Republic of	160	4
Spain	1	0
Sri Lanka	24	2
Stateless	1	0
Sudan	5	0
Sweden	1	0
Switzerland	2	0
Syria	5	0
Taiwan	35	0
Thailand	1	0
Turkey	16	0
U.S.S.R.	5	0
Uganda	1	0
Ukraine	4	0
United Kingdom	425	9
United States of America	13	0
Uzbekistan	1	0
Vanuatu	5	0
Vietnam	155	0
Zambia	2	0
Zimbabwe	22	0
Total	2603	66

Contributory Parent (Temporary) – subclass 173

The Contributory Parent (Temporary) (subclass 173) visa is an ‘offshore’ temporary visa for parents of any age.

Applications and grants by country of citizenship from 27 June 2003 — 31 October 2003

Country of Citizenship	Applications (persons)	Grants (persons)
Argentina	2	0
Armenia	2	0
Bangladesh	4	0
Belarus	2	0
Bosnia-Herzegovina	1	0
Brazil	5	0
Burma (Myanmar)	5	0
Cambodia, the Kingdom of	15	0
Canada	4	0
China, Peoples Republic of	239	7
Colombia	6	0
Czech Republic	1	0
Ecuador	2	0
Egypt, Arab Republic of	6	2
Falkland Islands	2	0
Fiji	51	2
Fmr Yugo Rep of Macedonia	12	0
Germany, Federal Rep. Of	2	0
Greece	2	0
HKSAR of the PRC	19	0
Hungary	3	0
India	66	4
Indonesia	17	2
Iran	2	0
Iraq	7	0
Irish Republic	1	0
Italy	5	1
Jordan	1	0
Kenya	2	0
Korea, Republic of	50	0
Kyrgyzstan	2	0
Lebanon	1	0
Malaysia	4	0
Mauritius	1	0
Netherlands	4	0
Nigeria	1	0
Pakistan	2	0
Papua New Guinea	1	0
Peru	4	0

Contributory Parent (Temporary) – subclass 173 – continued

Country of Citizenship	Applications (persons)	Grants (persons)
Philippines	21	0
Poland	4	0
Romania	7	0
Russian Federation	10	0
Serbia and Montenegro	3	0
Singapore	5	0
Slovakia	2	0
South Africa, Republic of	43	7
Spain	2	0
Sri Lanka	32	0
Syria	1	0
Taiwan	7	0
Thailand	1	0
Tonga	3	0
Turkey	1	0
Ukraine	17	0
United Kingdom	96	10
United States of America	9	0
Vietnam	59	0
Zimbabwe	4	3
Total	883	38

Contributory Aged Parent (Residence) – subclass 864

The Contributory Aged Parent (subclass 864) visa is an 'onshore' permanent visa for aged parents in Australia.

**Applications and grants by country of citizenship from
1 July 2003 — 31 October 2003**

Country of Citizenship	Applications (persons)	Grants (persons)
Austria	4	4
Canada	1	0
China, Peoples Republic of	83	46
Egypt, Arab Republic of	3	3
Fiji	4	3
Germany, Federal Rep. Of	2	2
Greece	2	0
HKSAR of the PRC	17	8
India	18	8
Indonesia	4	0
Iran	2	0
Irish Republic	4	2
Israel	3	3
Japan	7	1
Korea, Republic of	10	1
Malaysia	13	4
Mauritius	1	0
Netherlands	3	0
Pakistan	3	3
Palestinian Authority	1	1
Russian Federation	2	2
Samoa	2	0
Singapore	1	1
South Africa, Republic of	40	9
Taiwan	11	5
Thailand	2	1
Ukraine	1	1
United Kingdom	87	32
United States of America	1	0
Unknown	4	1
Zimbabwe	8	0
TOTAL	344	141

Contributory Aged Parent (Temporary) – subclass 884

The Contributory Aged Parent (Temporary) (subclass 884) visa is an 'onshore' temporary visa for aged parents in Australia.

**Applications and grants by country of citizenship from
1 July 2003 — 31 October 2003**

Country of citizenship	Applications (persons)	Grants (persons)
HKSAR of the PRC	2	1
India	6	0
Pakistan	1	0
South Africa, Republic of	9	5
United Kingdom	7	2
TOTAL	25	8

Table 1: Visa Grants By Category: 1996-97 to 30 June 2003

Category	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	1 July 2002 - 30 June 2003
Regional Sponsored Migration Scheme	170	581	765	664	1,021	1,092	1,738
State and Territory Nominated Independent (STNI), Skilled – STNI, Skill Matching Visa	not established	16	169	9	85	257	794
Skilled - Australian Linked*, Regional Linked & Skilled - Designated Area Sponsored	890	1,095	1,811	2,579	2,577	2,571	4,990
State Sponsored Business Skills** and Regional Established Business in Australia (REBA)	66	61	59	57	163	216	419
TOTAL	1,126	1,753	2,804	3,309	3,846	4,136	7,941

Source: DIMIA MPMS, RESI 2 data, ICSE

*refers to applicants under this category who obtained bonus points because their sponsor lived in a designated area.

** Includes applications processed under offshore subclass 129 (State/Territory Sponsored Business Owner), offshore subclass 130 (State/Territory Sponsored Senior Executive), onshore subclass 842 (State Territory Sponsored Business Owner) and onshore subclass 843 (State Territory Sponsored Senior Executive).

Table 2: Distribution of Migrants Granted Visas under State Specific - Migration Mechanisms 2002-03 - June 2003[^]

Category	NSW	SA	VIC	WA	NT	QLD	TAS	ACT	TOTAL
Regional Sponsored Migration Scheme	246	436	271	187	108	232	98	160	1738
State and Territory Nominated Independent (STNI), Skilled – STNI, Skill Matching Visa	0	353	437	0	0	0	4	0	794
Skilled - Australian Linked*, Regional Linked & Skilled - Designated Area Sponsored	339	475	3386	259	24	360	33	114	4466
State Sponsored Business Skills** and Regional Established Business in Australia (REBA)	32	60	52	138	0	57	62	18	419
TOTAL	617	1,324	4,146	584	132	649	197	292	7,941

Source: DIMIA MPMS – June 2003, ICSE

[^] Data unavailable by electorate

* refers to applicants under this category who obtained bonus points because their sponsor lived in a designated area.

** Includes applications processed under offshore subclass 129 (State/Territory Sponsored Business Owner), offshore subclass 130 (State/Territory Sponsored Senior Executive), onshore subclass 842 (State Territory Sponsored Business Owner) and onshore subclass 843 (State Territory Sponsored Senior Executive).

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2000

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(103) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Sherry asked:

TPV Holders

How many TPV holders have so far been given permanent residency status?

Answer.

As of 7 November 2003, 9 TPV holders have been granted permanent residency status.

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2000

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(104) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Sherry asked:

Afghan TPV Holders in Albany

In relation to Afghan TPV holders currently living and working in Albany:

1. Number of people (breakdown by age/gender).
2. How many of them are ethnically Hazaras?
3. How many have now been reassessed and how many have been successful?
4. What are the reasons for negative decisions?
5. How many representations have been made to the Minister about the Afghan refugees in Albany? How many of these have been answered?

Answer:

1. As of 7 November 2003, it is the Department's understanding that there are 42 Afghan TPV holders currently living and working in Albany, all of whom are male.

The age breakdown of this group of males is as follows:

Number	Age
1	20
3	22
4	23
4	24
3	25
2	27
5	28
5	31
5	32
4	35
2	39
2	42
1	44

2. Of the 42 Afghans, 39 have claimed to be ethnic Hazaras.
3. As of 7 November 2003, 27 of the 42 Afghans have had decisions made on their further application for protection. All of these decisions have been refusal decisions.
4. The refusal decisions on these applications were due to the decision maker in each case not being satisfied that the applicant met the criterion for grant of a Protection Visa that the person is owed protection obligations under the Refugee Convention.
5. Figures referring to the number of representations made to the Minister regarding this particular group of people, and the number of replies sent, are not available. While all incoming ministerial representations are recorded, DIMIA systems do not provide for the reporting of information based on detailed key issues. Anecdotally the Department is aware that there has been a significant number of representations regarding the Afghan TPV holders in Albany.

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2003

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(105) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Sherry asked:

TPV Holders – move to New Zealand

- (1) How many TPV holders and other asylum seekers have now gone to NZ?
- (2) What is the main reason for them moving to NZ?
- (3) Is there an official agreement between the Australian and New Zealand governments about accepting asylum seekers and/or TPV holders from Australia?
- (4) Is it correct that once a TPV holder moves to New Zealand they have no ability to return to Australia?
- (5) Can we have copies of any official agreements or correspondence regarding this issue?

Answer:

- (1) New Zealand has resettled 361 asylum seekers from Manus and Nauru. In respect of TPV holders departing Australia, DIMIA does not hold reliable information on the final destination of individuals who choose to leave Australia of their own accord.
- (2) Those people who were resettled in New Zealand from Manus and Nauru were selected by New Zealand authorities. There is no obligation upon either those authorities or the asylum seeker to advise DIMIA of any reasons for that action. Asylum seekers or TPV holders in Australia are not obliged to advise the Department of reasons for their departure.
- (3) No.
- (4) A person holding a TPV is free to depart Australia at any time. The effect of a TPV grant does not confer an automatic right to re-enter Australia. Should that person wish to re-enter Australia they may make a visa application in the normal manner.
- (5) There is no such agreement or correspondence.

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2003

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(106) Output 1.2: Refugee Humanitarian Entry and Stay

Senator Sherry asked:

- (1) Why did the Government attempt to introduce a change to the TPV regime to abolish the 7 day rule?
- (2) How many asylum seekers would be affected by this rule change?
- (3) Since the Regulations were disallowed, has there been any intention to move separate Regulations to deal with this issue?
- (4) If this 7 day rule stays in place, how does the Department intend to assess/prove that people did in fact spend more than 7 days in a transit country?
- (5) How will they prove that the asylum seeker did in fact have access to protection in this other country, or that they were able to make such an application?

Answer:

- (1) The 7 day rule was introduced as part of a comprehensive legislation package implementing a tiered approach to providing persons with Australia's protection. TPV holders who apply for a further protection visa after 27 September 2001 cannot access permanent residence if, since leaving their home country, they resided for a continuous period of at least 7 days in a country in which they could have sought and obtained effective protection. Instead, they may access further 3 year TPVs.

Regulation changes introduced on 28 August 2003 and disallowed on 9 October 2003 did not seek to abolish the 7 day rule. The Government sought to restore access to permanent residence to the group of TPV holders who were granted their TPV prior to the regulations changes which introduced the 7 day rule on 27 September 2001, and who did not make an application for a further protection visa application by that date. Restoring access to this group was considered to be an integral part of the balanced and comprehensive regulation package introduced on 28 August 2003, which addressed the protection framework as a whole.

- (2) Some 2400 TPV holders would have had access to permanent residence under this change if they had been found to be owed further protection.
- (3) No.

- (4) The test of whether or not an applicant for a protection visa resided for a continuous period of at least 7 days in a country is a straightforward one based on the objective findings of fact in each particular case. In each instance, the decision-maker must consider the available evidence about where the applicant had resided. A decision on this matter forms part of the decision made by the DIMIA officer when approving a protection visa application. This process includes consideration of any information or claims provided by the applicant and disclosure of any adverse inferences for comment before decision.
- (5) The test of whether or not an applicant for a protection visa could have sought and obtained effective protection in a country or through the offices of the UNHCR located in that country is based on the objective findings of fact in each particular case. In each instance, the decision-maker must consider the available evidence about whether effective protection was available and whether an applicant could have sought and obtained that protection.

A decision on this matter forms part of the decision made by the DIMIA officer when approving a protection visa application. This process includes consideration of any information or claims provided by the applicant and disclosure of any adverse inferences for comment before decision.

Case managers have access to comprehensive country information, in order to determine whether a person could have sought and obtained effective protection in a particular country. DIMIA also has a process in place that provides access to available information on whether an applicant had or has protection in a country of interest through contact with the Department of Foreign Affairs and Trade, and DIMIA Posts overseas.