

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 21 OCTOBER 2008

IMMIGRATION AND CITIZENSHIP PORTFOLIO

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

Senator Hanson-Young asked:

(1) The Government announced in July that offshore entry persons processed on Christmas Island will now receive publicly funded advice and assistance and access to independent review of unfavourable decisions. Will this be provided by the Refugee Review Tribunal and the existing Immigration Advice and Application Assistance Scheme, or are new mechanisms to be introduced?

(2) How much additional public money will it cost to establish and process people through these new mechanisms rather than simply granting such people immediate access to the Protection visa process, which would mean they could have unfavourable decisions reviewed by the Refugee Review Tribunal and receive assistance with their Protection visa application under the existing Immigration Advice and Application Assistance Scheme?

(3) Why are these new funds, which add to the existing additional expenses incurred as a result of processing in such a remote location, being spent in this way, when offshore entry persons could simply be granted access to the Protection visa application process and to existing mechanisms for advice and assistance and independent merits review?

Answer:

Offshore entry persons (OEPs) who raise protection claims are processed on Christmas Island and have access to publicly funded advice and assistance by direct sourcing of registered migration agents who are currently contracted under the existing Immigration Advice and Application Assistance Scheme (IAAAS). This advice and assistance is available at the initial stage when making a claim for asylum and at independent review of any unfavourable decisions.

Independent merits review of unfavourable Refugee Status Assessment decisions will not be provided by the Refugee Review Tribunal. Instead, suitably qualified and experienced persons contracted by DIAC will undertake the independent reviews.

(2) There is not expected to be any appreciable difference in the cost of processing asylum seekers through the enhanced non statutory refugee status process compared with accessing the Protection visa application process (if such persons covered by these arrangements were able to make a visa application). This is because advice and assistance is being sourced through the existing IAAAS providers and independent review arrangements have been estimated to cost similar to reviews by the Refugee Review Tribunal (RRT). The Government will provide \$4.2 million over four years (including \$0.2 million capital funding in 2008-09) for the establishment and

processing of the new arrangements, including funding to the Office of the Commonwealth Ombudsman of \$1.0 million over four years.

(3) The Government's commitment to retain excision arrangements and retain Christmas Island as an excised offshore place was part of its election platform. Non-citizens who arrive unlawfully at an excised offshore entry place become an offshore entry person (OEP) under the *Migration Act 1958* (the Act), and are unable to make a valid application for a visa unless the Minister determines that it would be in the public interest (section 46A and (2) of the Act).

In instituting a new processing regime for those who arrived in an excised place and claim protection, the Government seeks to address criticisms that the previous system lacked transparency, there was insufficient provision for independent advice and assistance for people in making their claims, there was no independent review of departmental decisions and no independent oversight of the process.

The excision and offshore processing at Christmas Island signal that the Government maintains a very strong anti people-smuggling stance. In totality, these robust processes will deliver outcomes in which we can be confident and will reassure the world that we are meeting our international commitments. The integrity of these processes will also reinforce our capacity to expedite the return to their home country of people found not to be in need of protection.