

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 20 OCTOBER 2009

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(102) Program 2.1: Refugee and Humanitarian Assistance**

Senator Fierravanti-Wells asked:

1. What are the differences between offshore and onshore processing procedures?
2. Does the Government's policy remain to process illegal boat arrivals offshore, no matter how many arrive?

*Answer:*

1. Both processes are aimed at testing if a person is owed protection by Australia under the Refugees Convention. The major difference is that the onshore Protection visa (PV) process is governed by provisions of the Migration Act, whereas the Refugee Status Assessment (RSA) is a non-statutory process.

The main differences between the RSA procedures and the PV procedures are as follows:

- Method of arrival
  - Irregular maritime arrivals (IMA) who arrive at an excised offshore place are detained on Christmas Island and processed under the RSA arrangements.
  - Arrivals on mainland Australia are eligible to apply for a Protection visa. They may be detained depending on a person's immigration status.
- Processing
  - IMAs have refugee claims processed under the RSA arrangements following initial screening to establish if, at face value, protection claims are raised.
  - An application for a Protection visa may be made by a person on the Australian mainland irrespective of their method of arrival.
- Merits review
  - Independent merits review is available upon request to IMAs who receive an unfavourable RSA. This review is by panel contracted to provide independent merits review.
  - Independent merits review is available to refused Protection visa applicants through the Refugee Review Tribunal (RRT) or, for character related issues, through the Administrative Appeals Tribunal (AAT).
- Protection visa grant
  - For IMAs found to be owed protection at either stage (primary or merits review) the s46(a) bar may be lifted by the Minister allowing an application to be lodged for a Protection visa. Subject to the client meeting all health, character and security requirements a Protection visa would be granted. Clients on Christmas Island who have been granted a Protection visa are then settled on the mainland.

- Protection visa applicants on the mainland found to be owed protection and who meet all health, character and security requirements are granted a Protection visa.

2. The retention of the excision of offshore islands, the mandatory immigration detention of all irregular arrivals for the management of health, identity and security risks to the community and the continued use of Christmas Island for the non-statutory RSA processing of people who arrive at excised offshore places are essential elements of the Government's policy. The Government is committed to these policies as essential components of strong border control and important elements in ensuring the integrity of Australia's immigration program.