

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 OCTOBER 2010

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

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

Senator Cash asked:

- (1) How many people is the department delaying removing from Australia pending the outcome of the High Court Case?
- (2) If the case is upheld by the High Court, how long has the department estimated that a new decision making process will take?
- (3) Will there be a new review mechanism?
- (4) Will those affected by the decision be released from detention pending a new decision on their case?

*Answer:*

- (1) As at 3 November 2010, there were 153 irregular maritime arrivals subject to removal (including the 30 litigants), who will receive fresh independent merits reviews of their cases.
- (2) The High Court's decision confirms the validity of the Refugee Status Assessment and Review process for irregular maritime arrivals. An announcement, was, however, made on 7 January 2011 regarding the Government's response to the High Court's decision. A new Protection Obligations Determination process will replace the existing refugee status determination process used for irregular maritime arrivals from 1 March 2011. The Protection Obligations Evaluation conducted by a departmental officer is expected to take around seven weeks with either a positive outcome or referral of the case for an Independent Protection Assessment. If required, an Independent Protection Assessment is expected to take around three months.
- (3) An announcement was made on 7 January 2011 regarding the Government's response to the High Court's decision. This notes the new review mechanism which is described as an Independent Protection Assessment.
- (4) No.