

## QUESTION TAKEN ON NOTICE

### ADDITIONAL BUDGET ESTIMATE HEARINGS: OCTOBER 2011

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(SE11/0319) Program 4.1: Visa Compliance and Status Resolution**

Senator Hanson-Young asked:

Returning failed asylum seekers: In light of Minister Bowen's comments that many host countries will not accept failed asylum seekers back into their countries, what does the Department propose to do with these people?

*Answer:*

Individuals, who are not entitled to a visa, including those who are assessed not to be genuine refugees, are expected to leave voluntarily. Arrangements are made to involuntarily remove those who refuse to leave voluntarily.

Most countries accept the return of their nationals. In some instances, a country may choose not to accept the return of an individual where it is not satisfied the person is a national of that country. This may include stateless persons who otherwise have previously resided in that country.

The Department is developing a statelessness determination process to more effectively verify the status of asylum seekers who claim to be stateless. Where an individual who is not owed protection obligations is found to be stateless, and is unable to be returned, they may be referred to the Minister for possible consideration of his intervention powers. Where an individual is found not to be stateless, return outcomes to their country of nationality will continue to be pursued.

In some instances, a country may refuse to co-operate with the involuntary return of its nationals. In these cases, the individuals may nevertheless be able to return voluntarily.

Where involuntary removal is not possible and the individual in question refuses to leave voluntarily, they face a protracted period of uncertainty, either in detention or in the community.

In these instances, the Department continues to work closely with the individual to encourage voluntary return. Where an individual is in the community, bridging visa conditions may be used to progress them towards a departure outcome. They are provided with either a case manager or community status resolution officer to reinforce their obligation to depart and options for assistance. This is supported by returns counselling and the Assisted Voluntary Return Service. For those who have arrived by boat, individual reintegration packages also promote sustainable return.

The Department also continues to engage with source countries and countries within the region to develop return strategies.