



Australian Government

Department of Immigration and Citizenship

GOVERNMENT RESPONSE

REPORT OF THE SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE

Mr Chen Yonglin's Request for Political Asylum

May 2007

Recommendation 1

The committee recommends the Department formulate a protocol requiring that people claiming to be diplomats, employees or officials of foreign governments or people who possess knowledge or understanding of the foreign government in question, be dealt with by senior officers.

Government Response

Agreed.

The Department of Immigration and Citizenship (DIAC) issued guidance on 17 October 2005 to DIAC staff reminding them of their obligation to maintain strict confidentiality in relation to asylum seekers and protection visa applicants, and of the need not to take any action which might result in information about the existence of an asylum claim or protection visa application, or the substance of a person's claims for protection, being made known to the authorities of the applicant's home country.

DIAC is also preparing a more detailed instruction for all DIAC staff in Australia and overseas relating to handling possible requests, in person or verbally, for asylum in Australia from persons claiming to be foreign diplomats or consular officials and persons claiming to be employed by a foreign government. The instruction includes advice on the privacy and confidentiality obligations of all DIAC staff. The instruction will be finalised in consultation with the Department of Foreign Affairs and Trade. All DIAC staff in Australia and overseas will be provided with the instruction which will be incorporated into a new departmental instructions framework to be developed under the Instructions Reform Project.

Recommendation 2

The committee recommends that DIAC take immediate steps to ensure that all officers are made aware of their confidentiality obligations under relevant legislation and conventions. Furthermore, that they are aware of the need to exercise care when dealing with a foreign diplomat and that such important matters are dealt with expeditiously by a senior officer.

Government Response

Agreed.

DIAC already provides training to staff on confidentiality and their obligations under the Privacy Act. The Department has also issued an administrative circular on the disclosure of personal information to third parties under the Privacy Act (Administrative Circular 198) and officers' confidentiality and privacy obligations are included in the DIAC Code of Conduct (Administrative Circular 1045). Further specific guidance has been sent to DIAC staff, as outlined in the response to Recommendation 1.