



**THE HON PETER DUTTON MP
MINISTER FOR IMMIGRATION
AND BORDER PROTECTION**

Ref No: MC15-262792

Dr Dennis Jensen MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600

Dear *Dennis,*
Dr Jensen

Thank you for your letter of 19 October 2015 concerning a petition recently submitted for consideration by the Standing Committee on Petitions (Petition Number 1098/1595), concerning the Australian Government's asylum seeker policies.

The petition requested the closure of regional processing centres; an end to the detention of asylum seekers in Australia; an end to the detention of children; and the fast-tracking of protection claims.

The Committee would be aware that, in recent years, the number of illegal maritime arrivals (IMAs) to Australia has significantly increased. This increase has undermined the integrity of Australia's migration and humanitarian programmes. People smugglers profit from the trade of people across borders throughout our region. It is for these reasons that the Government is committed to working with other countries throughout our region to stem the flow of irregular maritime travel and to end people smuggling.

As a result of Operation Sovereign Borders, there has been a very substantial and sustained reduction in maritime ventures attempting to reach Australia. By focusing on detecting and intercepting IMAs, and supporting regional processing and resettlement of asylum seekers, people smugglers have been denied a product to sell, dramatically reducing the number of lives being lost and restoring integrity to the migration programme. The Government remains committed to its asylum seeker policies, including regional processing and the use of temporary protection visas rather than permanent protection visas.

Following its decision to expedite the processing of refugee claims, announced on 5 October 2015, the Government of Nauru anticipates that most transferees, including children, will receive a refugee status determination shortly. The remaining cases will be resolved as soon as practicable, such as for transferees who are temporarily out of Nauru for medical treatment.

In regards to immigration detention in Australia, the Government views this as an essential component of strong border control. Detention is not limited by a set timeframe but is dependent upon a number of factors, including identity determination, progress with visa status resolution, and individual health, character and security matters.

The Government has reduced the detention population by approximately 90 per cent by placing eligible IMAs in the community on bridging visas or in community detention while they await the resolution of their status. Those who are granted bridging visas will, in most cases, have permission to work.

As at 30 September 2015, there were fewer than 97 children who arrived as IMAs in held detention in Australia, compared with a peak of 1,992 children in July 2013. The Government is working to reduce this number even further, although in some cases there are national security or character issues that might be a barrier to the placement of their family in the community. Cases are reviewed regularly and further releases into the community are anticipated. The current figure also includes children who have been brought from Nauru to Australia temporarily so they or a family member can undergo medical treatment. These children and their families will be returned to Nauru for regional processing once that treatment is concluded.

The *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* establishes a process for assessment of protection claims for IMAs who arrived on or after 13 August 2012. The new Fast Track Assessment Process will allow protection claims to be assessed more efficiently and ensure a more robust approach to protection assessments. IMAs who arrived on or after 13 August 2012 but before 1 January 2014, who have not been transferred to Nauru or Papua New Guinea, will be assessed in Australia under the Fast Track Assessment Process and, if found to engage Australia's protection obligations and to meet other criteria, will be granted a temporary protection visa. Resolving the immigration status of the IMA legacy caseload of almost 30,000 people in Australia who arrived under the former government is expected to take several years.

All asylum seekers processed onshore will continue to receive a comprehensive and thorough assessment of their protection claims in accordance with Australia's non-refoulement obligations. It is the Government's position that there are sufficient procedural safeguards in place for ensuring asylum seekers are afforded an opportunity to have their claims determined in an open and transparent assessment process. People who are affected by these measures will still be able to access judicial review.

Thank you for bringing this petition to my attention.

Yours sincerely

PETER DUTTON

09/11/15