

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Senate Foreign Affairs Defence and Trade Committee
Australia's Engagement in Afghanistan

2 February 2022

QoN Number: 49

Subject: Response to Refugee Legal following representations by Mahboba's Promise

Asked by: Kimberley Kitching

Question:

CHAIR: Can I just ask a question. I think this might go to you, Mr Wilden. The committee wrote to the minister on 24 November 2021 to follow up on evidence given to the committee by Mahboba's Promise. They were seeking visas for around 200 widows, orphans and staff. Seventeen of these individuals received 449 visas. The committee asked for a response by 8 December 2021, which it didn't receive. This was followed up again on 21 January, but the committee is yet to receive any response. Are you able to update the committee now?

Mr Wilden: I can explain this. I can't update on the minister's response, obviously, if it hasn't been provided. In terms of the 200 individuals—and I listened to the evidence this morning—at the time that came in, it came in with, obviously, hundreds if not thousands of other requests for assistance. Each went to the minister, because the minister made the ultimate decision on the invitation. At that time, the decision was, 'If they get to the airport and we can get them out then they will be got out, and we will give them visas.' They didn't, except for the number that you mentioned this morning. Of that group, there were 59 orphans, 12 groups which were identified as families at risk, which was a total of about 59 people, and 19 staff members and their family members, which was a total of 86 people. All of the details were provided to our staff at HKIA at that time, in the event they did present.

The department granted subclass 449s to 17 individuals linked to the orphanage—10 orphans and seven staff members and their families who presented at the Pakistan border. The Islamabad post assisted the group to exit Pakistan, and they arrived in Australia on 24 September 2021. The other members of that initial group have not presented at a border and, therefore, at the moment, do not hold 449s. They would obviously be considered, were they to present, and, in line with the minister's public statements, for those who had 449s or had been given priority, they can also apply in the program, which I believe these people have done. They will obviously be considered for a humanitarian visa, a permanent visa, along with the broad range of priorities that the minister has set for people.

CHAIR: I think they've got Refugee Legal doing—have you responded to the lawyers?

Mr Wilden: I can't off the top of my head—

CHAIR: Well, when they've sent you a letter about these people and the cases with which they're dealing, has the department responded?

Mr Wilden: I don't recall receiving a representation specifically to the department. I meet regularly with that group and many of the lawyers to talk about processing and applications, 449s, across the breadth of the program, but I don't recall. I'll go back and check my records, but I don't recall a specific representation from them. They might have put in applications, but, as I said, they will be treated like other applications that we have received.

CHAIR: I'll come and ask you at estimates—

Mr Wilden: Sure.

CHAIR: because they are writing, or at least they are going to write to, I think, the department, but certainly to the committee, regarding what's happening to the staff on the ground at the orphanage.

Mr Wilden: Sure.

CHAIR: So we'll see if there's been any response to that piece of correspondence

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Answer:

The Department has not identified correspondence from Refugee Legal regarding Mahboba's Promise within its document management system.

The Department understands that applicants linked to Mahboba's Promise are represented, but not by Refugee Legal.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Senate Foreign Affairs Defence and Trade Committee
Australia's Engagement in Afghanistan

2 February 2022

QoN Number: 58

Subject: Minister's response to Mahboba's Promise

Asked by: Kimberley Kitching

Question:

The committee wrote to the minister on 24 November 2021 to follow up on evidence given to the committee from Mahboba's Promise, who were seeking visas for around 200 widows, orphans and staff. 17 of these individuals received 449 visas. The committee asked for a response by 8 December 2021, which it did not receive. This was followed up again on 21 January 2022, but the committee is yet to receive any response. Would you please advise when the Minister will respond?

Answer:

The timing of the Minister's response is a matter for the Minister.

In the period 24 to 27 August 2021, the Department of Foreign Affairs and Trade (DFAT) brought to the Hon Alex Hawke MP, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs' attention, a group of over 200 individuals linked with Mahboba's Promise:

- 59 orphans,
- 12 groups identified as "families at risk" (total of 59 persons) and
- 19 staff members and their family members (total of 86 persons).

This group was included in information provided to Australian entities at HKIA during the evacuation period, which would have enabled their uplift if they had presented at the airport.

Once the air evacuation concluded on 26 August 2021, the Department continued to facilitate travel to Australia using the subclass 449 visas, where those individuals were in a position to travel to Australia.

Members of the Mahboba's Promise group sought Australian Government assistance in crossing into Pakistan. An Australian advocate liaising with the Government on behalf of Mahboba's Promise, Ms Susan Hutchinson, was advised by departmental officials to follow the DFAT advice regarding travelling within Afghanistan and the deteriorating security situation.

Subsequently, the Department granted Humanitarian Stay (Temporary) subclass 449 visas to 17 individuals linked to the orphanage (10 orphans and seven staff members and their families), who presented at the Pakistan border.

Due to the identified risks to the 17 subclass 449 visa holders at the border, they made the decision to cross into Pakistan in two separate groups. Islamabad Post assisted the group to exit Pakistan and they arrived in Australia on 24 September 2021.

The other members of the Mahboba's Promise group, did not present at HKIA or to Australian officials at any other locations since the evacuation and have therefore not been considered for the grant of 449 visas. It is open to the individuals to apply for visas under the Humanitarian or Migration Programs.