

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING : 23 February 2015**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(AE15/057) - Four Sri Lankan Nationals - Programme 3.1 Compliance, Detention and Status Resolution (Administered)**

Senator Carr, Kim (L&CA 96) asked:

Senator KIM CARR: So, if immigration officials undertook these assessments did they consult with anyone else before they made their assessments?

Senator KIM CARR: So, the consultation was with the legal team?

Mr Kukoc: Yes. For some claimants where the situation is very clear cut—manifestly unfounded claims, lacking readiness and no protection claims raised at all—that is a straight forward process. For some claims that could potentially raise our non-refoulement obligations, further consultation occurs at the senior executive level and with the legal branch.

Mr Pezzullo: I think it is fair to say that the officer is describing the general practice that has been employed. I know your question specifically goes to the four persons who were the subject of the most recent take-back, but the officer is describing a general practice.

Senator KIM CARR: So, can I get an answer to my question?

Mr Kukoc: I will need to take this question on notice to be absolutely certain in terms of the information that I provide to you.

*Answer:*

Following completion of the interviews, the interviewing officer's assessed the claims and information provided by the claimants taking into account the most up to date country information and the Refugee's Convention and Protocols. A recommendation was then completed and referred to the Enhanced Screening Officer Unit.

An Enhanced Screening Officer reviewed the claims, undertook further research into country information, including the UNHCR's Eligibility Guidelines, and formulated a consideration for the screening delegate. The claims and screening recommendations were discussed with the delegate prior to a decision.

With regard to the four Sri Lankan claimants, the claims presented by them were not considered to engage Australia's non refoulement obligations. Given the straightforward nature of the claims, the screening delegate completed the assessments without the need for consultation or escalation to the Legal Branch within the Department of Immigration and Border Protection.

All officers involved in this process have been trained in Refugee Law.