

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING : 08 February 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE16/166) - Fast Track - Programme 2.2: Migration

Senator Carr, Kim (L&CA) written:

How many asylum seekers have been contacted to advise they are eligible to apply for assessment under the so-called 'Fast-Track' process?

How many applications have been received under the so-called 'Fast-Track' process?

How many applications have been assessed under the so-called 'Fast-Track' process?

How many decisions have been made under the so-called 'Fast-Track' process?

- How many positive?

- How many negative?

How many applications have been referred to the Immigration Assessment Authority?

- How many decisions have been made by the IAA?

- How many positive?

- How many negative?

When the Department writes to asylum seekers advising they are eligible to submit an application under the so-called 'Fast-Track' process, is the letter provided to them in the language of their country of origin?

- If not, why not?

Do asylum seekers eligible to apply under the so-called 'Fast-Track' process receive legal advice/support as a matter of course?

- If not, why not?

In the absence of letters in their own language and legal support, how can the Department have confidence in the so-called 'Fast-Track' process achieving a fair outcome for applicants?

Has the lack of legal support and communications in their own language resulted in applications being received that are incomplete or unclear?

- If yes, how does the Department handle these applications?

- Has the Department had to increase the number of staff working on the assessment of these applications?

- Has the Department paid or recorded official overtime for staff working on the assessment of these applications?

- If so, how many hours/how much overtime has been paid?

Has the lack of legal support for applicants lead to an increase in the time taken to process applications?

- What is the average time to process an application?

Answer:

All data is current as at 20 February unless otherwise noted.

How many asylum seekers have been contacted to advise they are eligible to apply for assessment under the so-called 'Fast-Track' process?

- The Minister has lifted the bar under s.46A (2) of the Migration Act for 12,155 people to make them eligible to apply for a protection visa.
- 8,105 people have been sent 'invitation-to-apply' letters (of the 12,155).

How many applications have been received under the so-called 'Fast-Track' process?

- 2,841 applications have been received for either a Temporary Protection visa (TPV) or a Safe Haven Enterprise visa (SHEV)

How many applications have been assessed under the so-called 'Fast-Track' process?

- 113 applications have had a primary assessment, and a further 2727 applications are currently in the primary assessment stage.

How many decisions have been made under the so-called 'Fast-Track' process?

*-How many positive
-How many negative?*

- 87 applications have been finalised, resulting in 75 grants and 12 finally determined refusals.

How many applications have been referred to the Immigration Assessment Authority?

How many decisions have been made by the IAA?

*-How many positive
-How many negative?*

- 41 applications have been refused at the primary stage since the commencement of the Resolving the Asylum Legacy Caseload Act (RALC) and referred to the IAA. To date the IAA has remitted eight applications to the Department and affirmed 11 decisions.

When the Department writes to asylum seekers advising they are eligible to submit an application under the so-called 'Fast Track' process is the letter provided to them in the language of their country of origin?

- If not, why not?

- The letter of invitation to apply is in English; however, a coversheet is provided which explains the importance of the letter. This coversheet is provided in the ten main languages of the caseload.
- Applicants have access to in-language Protection Application Information Guides (PAIGs) and information on the website.

*Do asylum seekers eligible to apply under the so-called 'Fast Track' process receive legal advice/support as a matter of course?
If not, why not?*

- Legal support is not provided as a matter of course. Some vulnerable applicants are eligible to receive support from the Primary Application Information Service (PAIS).
- All applicants have access to generic information and guides, including PAIGs which are available, in ten languages, on the Department's website.
- It is open to individuals to engage their own private legal support arrangement if they feel it is necessary.

In the absence of letters in their own language and legal support, how can the Department have confidence in the so-called 'Fast Track' process achieving a fair outcome for applicants?

- The PAIG guides provided are coupled with an extended period to submit applications of 60 days.
- There are also ample opportunities during the processing of the application to provide further information and documentation to the Department. The applicant also has access to an interpreter during the interview where further information can be sought and issues clarified.
- If at any point in the process an applicant has difficulty engaging with the process they can be reassessed for PAIS.

*Has the lack of legal support and communications in their own language resulted in applications being received that are incomplete or unclear?
If yes how does the Department handle these applications?*

- A number of applications are received incomplete. In these instances, the Department, with the assistance of an interpreter, contacts the applicant to request the missing information. If the missing information relates to the applicant's claim for protection or other required information, this information can be obtained by the Department either before interview or during an interview with the assistance of an interpreter.

Has the Department had to increase the number of staff working on the assessment of these applications?

- Given the new processing framework, the size of the caseload and the strengthened identity integrity, the department planned from the outset and implemented an increase in the number of officers working on the IMA legacy caseload.

Has the Department paid or recorded official overtime for staff working on the assessment of these applications?

If so, how many hours/how much overtime has been paid?

- The Branch in the Department responsible for processing the IMA legacy caseload has recorded official overtime for its staff in 2015-16.
- Since 1 July 2015 there has been around \$220,000 in overtime payments.

Has the lack of legal support for applicants led to an increase in the time taken to process applications?

What is the average time to process an application?

- It is too early to provide meaningful processing times for this caseload as information at this stage is more indicative of straightforward rather than complex cases.
- All Fast Track cases continue to be comprehensively assessed including with a greater focus on identity integrity.
- Whilst referral numbers are small, the new IAA process, which includes automatic referral of primary refusal cases to the IAA, does appear to be much faster than the process under the previous legislative framework.