

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 26 May 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE15/062) - Legal Assistance - IMA's - Programme 1.4: IMA Onshore Management

Senator Macdonald, Ian (L&CA 35) asked:

CHAIR: These are all related to illegal maritime arrivals?

Mr Kukoc: That is right.

CHAIR: That is, people who ended up on our shores without being invited, without following the procedures, and we provide legal assistance of up to what amount? Is there a cap on the value?

Mr Manthorpe: The value of the program is \$4.8 million per year. I would have to take on notice the value per person who might be eligible.

Answer:

The Primary Application Information Service (PAIS) is available to illegal maritime arrivals (IMAs) and unauthorised air arrivals to help them articulate their claims for protection and apply for a Temporary Protection Visa (TPV) or Safe Haven Enterprise Visa (SHEV). PAIS is generally only available to assist eligible illegal arrivals to progress their application until the primary decision is made and is therefore unavailable in relation to reviews of that decision. Unaccompanied minors for whom the Minister is guardian under the *Immigration (Guardianship of Children) Act 1946* (IGOC) also receive assistance to progress a review of the primary decision.

The PAIS is delivered by contracted service providers who are paid directly by the Department and in accordance with the schedule of fees contained in Deeds of Agreement.

The schedule of fees in the Deeds outline the PAIS services and associated fee. These fees vary according to whether the:

- application is for a single applicant or has dependents (i.e. a family application);
- applicant is located in a rural or metropolitan area;
- applicant is in a detention facility and, if so, where that facility is located; and
- applicant is an unaccompanied minor (who receives assistance at review).

Given this, there is no listed cap on the amount that can be paid under PAIS for an individual.

There is a minimum referral fee in the event that the provider is prevented from lodging the application. Instances of when this might happen are when there is a conflict of interest between the provider and client or when the illegal arrival returns home or dies before the application is lodged.

As the Deeds of Agreement with the two contracted service providers are commercially sensitive, the Department are unable to provide the specific service fees.