

## **QUESTION TAKEN ON NOTICE**

### **SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014**

#### **IMMIGRATION AND BORDER PROTECTION PORTFOLIO**

#### **(SE14/161) PROGRAMME – Operation Sovereign Borders**

Senator Carr (Written) asked:

How are boats assessed as to whether they arrived on the Australian mainland or not?

a. Explain how this affects the processing of applications.

*Answer:*

All IMAs have the same legal status regardless of whether they arrived in Australia on the mainland or not. This means that regardless of where an IMA arrives, they cannot make a valid application for a visa unless the Minister personally decides that it is in the public interest to do so. Under section 198AD of the *Migration Act 1958*, all Irregular Maritime Arrivals are subject to transfer to a Regional Processing Country such as Papua New Guinea or Nauru for their protection claims to be assessed.