

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES – 27 NOVEMBER 2014

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### (SE14/318) PROGRAMME –

Senator Ludwig (L&CA 5-6) asked:

Senator LUDWIG: How do you determine whether or not you will provide work rights?

Ms Pope: It is a matter of government policy.

Senator LUDWIG: So what is the government policy, Minister?

Senator Cash: I would have to defer to the departmental officials on that one.

Ms Pope: It is still under consideration.

Senator Cash: In saying that, obviously the temporary protection visa bill, if it were to pass the Senate with your support, would ensure that they do have work rights.

Senator LUDWIG: I am just interested in the circumstance now. What are we waiting for, a policy by the government? Do you know the policy, and it is sitting in the minister's office?

Ms Pope: I would have to take that on notice. I am not certain.

*Answer:*

Previously, Illegal Maritime Arrivals (IMAs) who arrived on or after 13 August 2012 did not have permission to work. Following passage of the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014*, the former Minister for Immigration and Border Protection (the Minister) announced that IMAs on Bridging visas would be allowed to work while they undergo protection processing. However, the conditions of a Bridging visa cannot be changed while the visa is in effect and in order to provide work rights a new visa must be granted. A grant of Bridging visa to an IMA relies on the Minister's non-delegable, non-compellable powers in the *Migration Act 1958*. As such, the Minister's personal intervention is required for every Bridging visa grant to an IMA.

In general terms, whether a Bridging visa holder has permission to work will depend on the individual circumstances of their case, including how they arrived in Australia, whether they have made a visa application and whether any decisions have been made in relation to that application.