

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### **(SE14/334) PROGRAMME – 3.1 and 3.2: Compliance Detention and Status Resolution**

Senator Carr (Written) asked:

- (a) Given recent media reports of the torture and mistreatment of asylum seekers returned to Afghanistan and Sri Lanka, what mechanism/s does the Government have in place to investigate claims of refoulement?
- (b) Given that IOM has suspended return and reintegration activities in Syria, what measures has DIBP put in place for the safe return and reintegration of Syrian asylum seekers to their home country?

*Answer:*

- (a) Australia is bound by the customary international law principle of non-interference in the internal affairs of other sovereign states. Australia's consular obligations and entitlements under international law do not extend to monitoring the welfare of non-nationals offshore. The Government does not have a mechanism in place to investigate claims of refoulement, however, any reports of harm befalling individuals following their return from Australia are taken seriously and are followed-up where appropriate.
- (b) The department does not have a specific policy regarding the return or removal of Syrian nationals.

In cases where people are liable for removal to countries, such as Syria, where there has been an escalation in humanitarian concerns since a decision was made in relation to a protection visa application, a pre-removal clearance is conducted to determine whether the department is satisfied that removal to the person's home country or country of habitual residence will not breach Australia's *non-refoulement* obligations.

Prospective Syrian returnees are considered on a case-by-case basis. A requirement for return is that any prospective returnee makes an informed decision about the return. The process for consideration of voluntary return is supported by the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). All considerations regarding the safety of a voluntary return or removal activity is considered before the activity occurs.

Detainees can request their voluntary removal from Australia at any time. For Syrian national detainees who request voluntary removal, these detainees may be provided with post-removal support by the department. These arrangements will vary according to the unique circumstances of the individual but may include the provision of short term accommodation, food and clothing. Medical or welfare support arrangements can also be provided to individuals upon their arrival.