

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 19 October 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE15/001) - Operation Fortitude - Visa Document laws - Programme 2.3: Visas

Senator Carr, Kim (L&CA 16) asked:

Senator KIM CARR: It is a bit more than regret, but I will deal with that in a moment. Is it the requirement of the visa laws in this country that persons here in Australia carry their passports with them at all times?

Mr Pezzullo: I will need to refresh myself as to the specific provisions, but, generally speaking, no. But (and this is the only 'but') if an officer forms a suspicion under section 188 of the Migration Act—and that officer can be an ABF office, can actually be an immigration officer of the department manning, for instance, a counter where we handle visas and indeed can be officers who are deputed for the purposes of the act and can include state police—you have to respond to their questions in the same way as lawful questioning requires you to answer a police officer's questions. But it is only if that officer has that reasonable suspicion. I will check the question of documents for you.

Answer:

There is no legal requirement for a non-citizen to carry their passport or evidence of their visa with them.

However, there is a power under section 188 of the *Migration Act 1958* for officers of the Department to require persons to present (within specific prescribed timeframes) evidence of being a lawful non-citizen or of their identity, where the officer knows or reasonably suspects the person is a non-citizen.