

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(12) Output 1.1: Non-Humanitarian Entry and Stay

Senator Bartlett (L&C 25) asked:

What percentage of people who are rejected then appeal? How many out of those who are rejected actually lodge appeals? Is it 10 percent of the people who are rejected who then lodge an appeal with the MRT, or is it only five per cent?

Answer:

It is not possible to provide an exact percentage of visa refusals that are appealed as:

- Migration Review Tribunal (MRT) annual application statistics do not directly correlate with DIMIA annual rejection statistics, ie. a person may be refused a visa in one financial year and not lodge an appeal until the next financial year, and
- Not all applicants within some visa subclasses have a right of appeal. For example, in the case of subclass 676 Tourist (Short Stay) visas decided overseas, appeal rights depend upon the visa applicant having close family in Australia. This information is not at this stage readily reported by DIMIA systems. In 2002-03 there were 43,736 refusals of subclass 676 Tourist (Short Stay) applications and 199 appeals lodged with the MRT in the same period. It is worth noting that overall approval rates for visitor visas are at their highest levels in five years. The non-return rate and the rate at which persons arriving on visitor visas apply for protection visas have also reduced over recent years.

The number of appeals against rejections varies considerably across those visa subclasses where there are appeal rights. In 2002-03:

Visa category*	No of persons applying for a visa	No of persons whose application was rejected	No of persons appealing to the MRT
Spouse and independency classes	68,445	9014	2549
General skilled category	25,882	2684	243
Students (onshore)	57,194	1511	629
Sponsored family visitors	12,053	4347	193

* MRT appeal rights exist for all spouse and independency, students (onshore) and sponsored family visitor applications. In relation to the general skilled migration category, however, only applications for visa sub-classes that require an Australian sponsor or allow the applicant to be within Australia at time of visa grant are able to be appealed to the MRT. The above figures therefore only include these subclasses.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(13) Output 1.1: Non-Humanitarian Entry and Stay

Senator Kirk asked:

Regional Migration

'Plan to attract more migrants to regional Australia'

Anderson/Vanstone announcement on 12 January 2004

New skilled visa

- (1) What is to be the definition of 'regional Australia' for the purposes of this visa?
- (2) Is it to include the capital cities of the small States and Territories? What about Brisbane or Melbourne?
- (3) Will the Commonwealth be involved in determining target geographical areas for this measure, or will that be left to the States and Territories?
- (4) How many additional visa places a year in regional Australia does DIMIA think will flow from this initiative?

New retirement visa

- (5) How does this visa differ from the existing 4-year temporary retirement visa, and what aspects will make it more attractive than that existing visa?
- (6) What does the Government mean when it says "participating State and Territory Governments will be able to **sponsor** self-funded retirees settling in regional Australia"? What does 'sponsorship' entail for this purpose?
- (7) Will applicants be able to apply onshore or offshore only?
- (8) Are there any additional costs involved for the Commonwealth (inc. in other portfolios) and, if so, what are the details?
- (9) Will the number of these new visas be capped or uncapped?

New South Wales

- (10) Is it likely that the above two measures will apply in NSW, or is the Commonwealth proposing to negotiate a NSW-specific package?
- (11) Is it likely that discussions with NSW will conclude prior to 1 July, when the above measures are due to take effect?

Answer:

- (1) Subject to the outcome of the current consultations with State/Territory Governments, it is proposed that the definition currently used within the General Skilled Migration category for awarding additional points for study and residence in regional Australia/low population growth areas be used for new Skilled Independent Regional (SIR) visa. This defines regional Australia as Australian Bureau of Statistics' Statistical Divisions with a population of less than 200,000, and a low population growth metropolitan area as one that has experienced population growth of less than 50 per cent of the national average between the census of 1996 and the census of 2001.
- (2) The definition includes:
All of Western Australia other than Perth,
All of SA,
All of Victoria other than Melbourne,
All of Tasmania,
All of NSW other than Sydney, Newcastle, Central Coast and Wollongong,
All of Queensland other than Brisbane and the Gold Coast
All of the Northern Territory
The ACT is excluded.
- (3) Consultations are continuing with all state and territory governments concerning the details of how the SIR visa will work. These will be finalised shortly. It is, however, expected that a feature of the SIR visa will be State/Territory Government sponsorship, which will allow them to play an active role in seeking skilled migrants who best meet the needs of each regional area in their jurisdiction. Once SIR visa holders have lived in regional Australia for at least two years, state/territory governments and regional certifying bodies will again play a key role in visa holders' transition to permanent residence, for example through sponsorship by regional employers and certification by regional certifying bodies.
- (4) The number of SIR visas granted will be dependent on the outcome of current consultations with state/territory governments, final policy settings and State/Territory Governments' level of participation in this new measure.
- (5) The proposed Investor (Retirement) visa will target retired business and professional people with significant assets. Consultations on the details of this visa with State/Territory Governments are currently proceeding.

The proposed Investment (Retirement) visa will have many characteristics in common with the current temporary retirement visa which will be closed to people not already holding that visa after 1 November 2004. The common elements will be that all visa holders meet the same health and character criteria, maintain private health insurance for the duration of their visa and have limited work rights. Both visas will allow temporary residence only. All main applicants must be at least 55 years of age, have no other dependants except a spouse and sufficient assets to ensure self support in Australia. The major differences are that the proposed Investor (Retirement) visa would require mandatory State/Territory government sponsorship, investment in State/Territory bonds or projects and payment of a second visa application charge of an amount sufficient

to offset the costs of any access to aged care facilities at a future time.

The sponsorship requirement will provide State/Territory governments with the power to link sponsorship to settlement in their regional/low growth areas and another avenue for attracting significant investment to their low growth/regional areas.

The initial period of stay for the proposed Investor (Retirement) visa will be four years, renewable for further 4 year periods if applicants' continue to satisfy streamlined health and character requirements.

- (6) Sponsorship by a State/Territory Government will require the retiree to invest a minimum amount in State/Territory Treasury bonds or projects for the duration of the initial visa. The determination of specific sponsorship criteria to be met will be a decision for each State or Territory Government but it could incorporate a two tier investment approach dependant on whether the retiree elects to settle in metropolitan or regional/low growth areas.
- (7) Applicants for the Investor (Retirement) visa will be able to be onshore or offshore when they lodge their application.
- (8) Older people tend to make some of the highest demands on health, welfare and aged care services. To ensure that Australian taxpayers are protected against this, the Investor (Retirement) visa will only confer "temporary" and not "permanent" residence. This will limit access to these services.

To further offset any possible future aged care access costs, retirees seeking periods of further stay will be required to be fully financially independent and not have any need to resort to Government benefits to sustain themselves. Retirees will need to also satisfy health checks prior to grant of the initial visa and to hold (and maintain for the duration of their stay) full private health cover.

- (9) The number will not be capped.
- (10) The SIR visa and the Investor (Retirement) visa will be available to all States and Territories (other than ACT in the case of the SIR visa). There is no proposal at this stage to develop a NSW-specific package, but this would depend on the outcome of current consultations.

Minimum requirements such as age, skills and English language in the case of the SIR visa and age and investment requirements in the case of the Investor (Retirement) visa will be set out within the migration regulations. Consistent with these, State and Territory Governments will be able to determine their own sponsorship requirements enabling them to tailor these categories to meet the particular needs of their jurisdictions.

- (11) As part of the development of the SIR visa and the Investor (Retirement) visa, the Department is undertaking consultations with all State and Territory Governments including NSW.

For the SIR visa, it is anticipated that these consultations will be completed in time for the SIR visa start date of 1 July 2004.

It is anticipated that the Investor (Retirement) visa consultations will be completed by 1 September 2004 in anticipation of a 1 November 2004 start date.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(14) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Bartlett (L&C 31) asked:

Provide the number of Iraqi TPV holders who have been rejected by the RRT and have sought ministerial intervention and are now on bridging visas

Answer:

DIMIA systems records show nil as at 5 March 2004.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(15) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Bartlett (L&C 31-32) asked:

Provide the number of Iraqi TPV holders who have been rejected by the RRT and are in the 28 day period to make a decision on whether to seek judicial review

Answer:

DIMIA systems records show nil as at 5 March 2004.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(16) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Bartlett (L&C 65) asked:

What is the country of origin of the 125 people who came to Australia from Indonesia?

Answer:

By the end of February 2004, the number of refugees intercepted under regional cooperation arrangements in Indonesia, granted visas for resettlement and arrived in Australia was 142. Of these 142, 102 are Iraqi and 40 are Afghans.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(17) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Bartlett (L&C 65) asked:

Were all 125 refugees on five-year temporary visas?

Answer:

Of the 142 refugees intercepted in Indonesia and resettled in Australia by the end of February 2004

- 71 were granted subclass 451 secondary movement relocation (temporary) visas for five years' stay;
- 64 were granted subclass 451 visas for periods of stay less than five years so that the end-date of their visas could be aligned with that of immediate family members in Australia;
- a family of five was granted subclass 100 spouse (permanent) visas; and
- two were granted subclass 449 humanitarian stay (temporary) visas to enable them to apply for other visas in Australia.

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ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(18) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Bartlett (L&C 65) asked:

How long have the 241 refugees awaiting resettlement been waiting?

Answer:

UNHCR is unable to give case-by-case data on the length of time refugees intercepted in Indonesia under the regional cooperation arrangements have been waiting for resettlement.

Resettlement times vary from country to country and from case to case. Elapsed time between resettlement country interview and departure may be as short as three to four weeks, but eight to ten months is normal for some resettlement countries.

Australian processing of refugees intercepted in Indonesia (in the six months to 30 November 2003, the latest period for which figures are available) resulted in 75 percent of successful applications being completed in 43 weeks or less.

Factors that contribute to the duration of resettlement processing include the need for public interest (health, character and security) assessment.

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ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(19) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Bartlett asked:

- (1) Regarding applications for refugee status:
 - (a) The number of minors, unattached to a parent's case, applying for refugee status each year between 1999-02.
 - (b) The number of minor asylum applicants where the minor is considered the primary applicant, between 1999-02, broken down by:
 - (i) Financial year.
 - (ii) Gender.
 - (iii) Age at time of application.
 - (iv) Nationality.
 - (v) Language.
 - (vi) Which of the 5 grounds claimed for asylum.
 - (vii) Number or percentage represented by counsel.
 - (viii) Location of cases across the country (i.e. the geographical spread of cases in Australia).
 - (ix) Outcome of case.
 - (x) Length of time between asylum application and decision (in months).
 - (c) The number of minors as primary applicants applying for protection raising issues under the Convention against Torture (CAT) broken down by:
 - (i) Federal fiscal year.
 - (ii) Gender.
 - (iii) Nationality.
 - (iv) Outcome of case.

- (2) Regarding cases appealed to the Refugee Review Tribunal (RRT):
 - (a) The number of minors, unattached to a parent's case, who appealed to the RRT each year between 1999-02.
 - (b) The number of minor asylum applicants, where the minor is the primary applicant, who appealed to the RRT between 1999-02, broken down by:
 - (i) Financial year.
 - (ii) Gender.
 - (iii) Age at time of time of appeal.
 - (iv) Nationality.
 - (v) Language.
 - (vi) Which of the 5 grounds claimed for asylum.
 - (vii) Number or percentage represented by counsel.
 - (viii) Location of cases across the country (that is, the geographical spread of cases across Australia).
 - (ix) Outcome of case (overturned/affirmed).
 - (x) Length of time between submission of appeal and RRT decision.

- (3) Regarding cases appealed to the Federal or High Court, or in which judicial review is sought in those courts:
- (a) The number of minors, unattached to a parent's case, who appealed to or sought judicial review in each court each year between 1999-02. Please include cases brought by or on behalf of offshore entry persons (asylum seekers on Nauru or Manus Island)
 - (b) The number of minor asylum applicants, where the minor is the primary applicant, who appealed/sought judicial review between 1999-02, broken down by:
 - (i) Court.
 - (ii) Financial year.
 - (iii) Gender.
 - (iv) Age at time of time of appeal.
 - (v) Nationality.
 - (vi) Language.
 - (xi) Which of the 5 grounds claimed for asylum.
 - (xii) Number or percentage represented by counsel.
 - (xiii) Location of cases across the country (that is, the geographical spread of cases across Australia).
 - (xiv) Grounds on which decision was challenged.
 - (xv) Outcome of case (overturned/affirmed).
 - (xvi) Length of time between submission of appeal and Court decision.
 - (xvii) Present location/status of applicant (in Australia removed to ...).

Answer:

An interim response was provided on 12 May 2004 indicating, inter alia, that the above questions seek an extensive range of information, some of which is not obtainable from Departmental systems.

The work to extract the available reports has now been concluded and is presented in the tables below.

- 1) DIMIA systems do not enable reporting on the language of minors; which of the five grounds is claimed for refugee status; the number or percentage represented by counsel; and the number of minors as primary applicants applying for protection raising issues under the Convention against Torture (CAT).

In addition, it is not possible to extract reports from DIMIA systems on whether an adult accompanying a minor applying for a Protection Visa is a parent or another relative.

System reports as at 14 April 2004 provide the following information sought in relation to minors who applied for Protection Visas in their own right as primary applicants from 1999-00 and 2001-02:

Protection Visa Primary Applicants 1999-00

Minors who sought refugee status as primary applicants

Nationality	Total	Males	Females	Age at time of application			Outcomes	
				Under 12 yrs	12-14 yrs	15-17 yrs	Granted	Refused
Afghanistan	40	40	0	0	8	32	38	2
Iraq	5	5	0	0	0	5	4	1
Iran	1	1	0	0	0	1	1	0
Palestine	0	0	0	0	0	0	0	0
Sri Lanka	1	1	0	0	1	0	1	0
Other	4	3	1	0	1	3	3	1
Total	51	50	1	0	10	41	47	4

Time from Lodgement to Decision

0-29	30-59	60-89	90-119	120-149	150 +	Average*
2	13	7	3	12	14	114 Days

* Systems report in days not months elapsed.

Geographic Location of Cases

State		Percentage of caseload
NSW	8	15.6
VIC	2	4
QLD	0	0
SA	0	0
WA	39	76.4
TAS	0	0
NT	0	0
ACT	1	2
Other	1	2
Total	51	100%

Protection Visa Primary Applicants 2000-01

Minors who sought refugee status as primary applicants

Nationality	Total	Males	Females	Age at time of application			Outcomes	
				Under 12 yrs	12-14 yrs	15-17 yrs	Granted	Refused
Afghanistan	105	103	2	0	15	90	79	26
Iraq	6	6	0	0	0	6	6	0
Iran	0	0	0	0	0	0	0	0
Palestine	1	1	0	0	0	1	0	1
Sri Lanka	0	0	0	0	0	0	0	0
Other	7	5	2	0	0	7	4	3
Total	119	115	4	0	15	104	89	30

Time from Lodgement to Decision

0-29	30-59	60-89	90-119	120-149	150 +	Average*
26	34	38	13	3	5	64 Days

* Systems report in days not months elapsed.

Geographic location of Cases

State	Percentage of caseload
NSW	21
VIC	0
QLD	0
SA	22
WA	42
TAS	0
NT	0
ACT	34
Total	119
	100%

Protection Visa Primary Applicants 2001-02

Minors who sought refugee status as primary applicants

Nationality	Total	Males	Females	Age at time of application			Outcomes	
				Under 12 yrs	12-14 yrs	15-17 yrs	Granted	Refused
Afghanistan	62	61	1	2	6	54	52	10
Iraq	13	12	1	0	0	13	11	2
Iran	2	2	0	0	1	1	2	0
Palestine	0	0	0	0	0	0	0	0
Sri Lanka	1	1	0	0	0	1	0	1
Other	0	0	0	0	0	0	0	0
Total	78	76	2	2	7	69	65	13

Time from Lodgement to Decision

0-29	30-59	60-89	90-119	120-149	150 +	Average*
4	18	28	8	11	9	92 Days

* Systems report in days not months elapsed.

Geographic Location of Cases

State	Percentage of caseload
NSW	1.3
VIC	0
QLD	0
SA	24.4
WA	59
TAS	0
NT	0
ACT	15.3
Total	100%

- 2) DIMIA systems do not enable reporting on the language of minors; which of the five grounds is claimed for refugee status; and the number or percentage represented by counsel.

In addition, it is not possible to extract reports from DIMIA systems on whether an adult accompanying a minor seeking review of a Protection Visa refusal is a parent or another relative.

System reports as at 14 April 2004 provide the following information sought in relation to minors who lodged applications in their own right for review of decisions to refuse them the grant of a Protection Visa between 1999-00 and 2001-02:

RRT Cases 1999-00

Minors who lodged applications in the RRT

Nationality	Total	Males	Females	Age at time of application			Outcomes	
				Under 12 yrs	12-14 yrs	15-17 yrs	Affirmed	Remitted
Afghanistan	1	1	0	0	0	1	1	0
Iraq	0	0	0	0	0	0	0	0
Iran	0	0	0	0	0	0	0	0
Palestine	0	0	0	0	0	0	0	0
Sri Lanka	0	0	0	0	0	0	0	0
Other	2	2	0	0	1	1	0	2
Total	3	3	0	0	1	2	1	2

Time from Lodgement to Decision

0-29	30-59	60-89	90-119	120-149	150 +	Average*
0	2	1	0	0	0	53 Days

* Systems report in days not months elapsed.

Geographical Location of Cases

State		Percentage of caseload
NSW	3	100
VIC	0	0
QLD	0	0
SA	0	0
WA	0	0
TAS	0	0
NT	0	0
ACT	0	0
Total	3	100%

RRT Cases 2000-01

Minors who lodged applications in the RRT

Nationality	Total	Males	Females	Age at time of application			Outcomes	
				Under 12 yrs	12-14 yrs	15-17 yrs	Affirmed	Remitted
Afghanistan	19	19	0	0	1	18	3	16
Iraq	1	1	0	0	0	1	1	0
Iran	0	0	0	0	0	0	0	0
Palestine	1	1	0	0	0	1	1	0
Sri Lanka	0	0	0	0	0	0	0	0
Other	5	5	0	0	0	5	5	0
Total	26	26	0	0	1	25	10	16

Time from Lodgement to Decision

0-29	30-59	60-89	90-119	120-149	150 +	Average*
0	6	15	4	0	1	78 Days

* Systems report in days not months elapsed.

Geographical Location of Cases

State	Percentage of caseload
NSW	18
VIC	8
QLD	0
SA	0
WA	0
TAS	0
NT	0
ACT	0
Total	26

RRT Cases 2001-02

Minors who lodged applications in the RRT

Nationality	Total	Males	Females	Age at time of application			Outcomes	
				Under 12 yrs	12-14 yrs	15-17 yrs	Affirmed	Remitted
Afghanistan	17	17	0	0	2	15	11	6
Iraq	2	2	0	0	0	2	0	2
Iran	0	0	0	0	0	0	0	0
Palestine	0	0	0	0	0	0	0	0
Sri Lanka	1	1	0	0	0	1	0	1
Other	0	0	0	0	0	0	0	0
Total	20	20	0	0	2	18	11	9

Time from Lodgement to Decision

0-29	30-59	60-89	90-119	120-149	150 +	Average*
0	7	7	2	2	2	58 Days

* Systems report in days not months elapsed.

Geographical Location of Cases

State	Percentage of caseload
NSW	25
VIC	75
QLD	0
SA	0
WA	0
TAS	0
NT	0
ACT	0
Total	100%

- 3) DIMIA systems do not enable reporting on the language of minors; which of the five grounds is claimed for refugee status; and the present location and status of the individual.

System reports as at 13 April 2004 provide the following information sought in relation to minors who were appellants in their own right before the Courts from 1999-00 and 2001-02.

It is not possible to extract reports from DIMIA systems on whether a minor who is an appellant in their own right is accompanied by a parent or another relative.

Judicial Review Cases 1999-00

Minors who were appellants in their own right

Nationality	Total	Males	Females	Age at time of application			Outcomes				
				Under 12 yrs	12-14 yrs	15-17 yrs	Applicant W'draw	Dept W'draw	Dept Win	Dept Loss	Remitted
Afghanistan	1	1	0	0	0	1	1	0	0	0	0
China	2	1	1	1	1	0	5	0	1	1	0
Bangladesh	0	0	0	0	0	0	0	0	0	0	0
Ethiopia	5	5	0	0	0	5	0	0	0	0	0
Sri Lanka	0	0	0	0	0	0	0	0	0	0	0
Other	4	3	1	2	0	2	0	0	4	0	0
Total	12	10	2	3	1	8	6	0	5	1	0

Grounds of Appeal

Grounds not particularised	7
Error of Law	2
Actual bias	1
Breach of Natural Justice	2
Total	12

- * 9 matters were listed in the Federal Court
- * 1 matter was listed in the Full Federal Court
- * 2 matters were listed in the High Court.
- * 5 cases were represented by counsel.

Time from Lodgement to Decision

0-29	30-59	60-89	90-119	120-149	150 +	Average*
0	0	1	2	0	9	218 Days

* Systems report in days not months elapsed.

Geographic Location of Cases

State	Percentage of caseload	
NSW	5	41.7
VIC	6	50
QLD	0	0
SA	0	0
WA	1	8.3
TAS	0	0
NT	0	0
ACT	0	0
Total	12	100%

Judicial Review Cases 2000-01

Minors who were appellants in their own right

Nationality	Total	Males	Females	Age at time of application			Outcomes				
				Under 12 yrs	12-14 yrs	15-17 yrs	Applicant W'draw	Dept W'draw	Dept Win	Dept Loss	Remitted
Afghanistan	1	1	0	0	0	1	0	0	1	0	0
China	1	1	0	1	0	0	0	1	0	0	0
Bangladesh	1	1	0	0	0	1	0	1	0	0	0
Ethiopia	0	0	0	0	0	0	0	0	0	0	0
Sri Lanka	0	0	0	0	0	0	0	0	0	0	0
Other	6	4	2	2	0	4	0	0	6	0	0
Total	9	7	2	3	0	6	0	2	7	0	0

Grounds of Appeal

Grounds not particularised	4
Error of Law	3
Breach of Natural Justice	1
Jurisdictional error	1
Total	9

* 8 matters were listed in the Federal Court

* 1 matter was listed in the Full Federal Court

* 1 case was represented by counsel.

Time from Lodgement to Decision

0-29	30-59	60-89	90-119	120-149	150 +	Average*
0	2	2	2	0	3	113 Days

* Systems report in days not months elapsed.

Geographic Location of Cases

State		Percentage of caseload
NSW	6	66.7
VIC	0	0
QLD	0	0
SA	0	0
WA	3	33.3
TAS	0	0
NT	0	0
ACT	0	0
Total	9	100%

Judicial Review Cases 2001-02

Minors who were appellants in their own right

Nationality	Total	Males	Females	Age at time of application			Outcomes				
				Under 12 yrs	12-14 yrs	15-17 yrs	Applicant W'draw	Dept W'draw	Dept Win	Dept Loss	Remitted
Afghanistan	11	11	0	0	1	10	1	1	9	0	0
China	4	2	2	4	0	0	0	0	4	0	0
Bangladesh	0	0	0	0	0	0	0	0	0	0	0
Ethiopia	0	0	0	0	0	0	0	0	0	0	0
Sri Lanka	0	0	0	0	0	0	0	0	0	0	0
Other	9	3	6	1	4	4	4	0	4	0	1
Total	24	16	8	5	5	14	5	1	17	0	1

Grounds of Appeal

Grounds not particularised	6
Error of Law	14
Breach of Natural Justice	2
Jurisdictional error	2
Total	24

* 1 matter was listed in the Federal Magistrates Court

* 15 matters were listed in the Federal Court

* 7 matters were listed in the Full Federal Court

* 1 matter was listed in the High Court

* 12 cases were represented by counsel.

Time from Lodgement to Decision

0-29	30-59	60-89	90-119	120-149	150 +	Average*
1	2	1	3	4	13	184 Days

*Systems report in days not months elapsed.

Geographical Location of Cases

State		Percentage of caseload
NSW	7	29.2
VIC	1	4.2
QLD	0	0
SA	9	37.5
WA	7	29.1
TAS	0	0
NT	0	0
ACT	0	0
Total	24	100%

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(20) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 14) asked:

Does the Department of Defence pay rent when they use the Coonawarra facility?

Answer:

No. It is a Commonwealth owned property, where neither Defence nor DIMIA pays rent to use the facility. Defence is responsible for the general repairs and maintenance for the entire facility. DIMIA, however, pays for consumables and maintenance on the components of the facility that it uses.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(21) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 15) asked:

In relation to the Brisbane detention facility, provide the forward estimates figures for construction and the estimated start for construction.

Answer:

The Government announced, in Budget 2000-01, the development of an Immigration Detention Centre (IDC) in Brisbane. This was done in the context of the long-term detention strategy Budget measure relating also to the redevelopment of existing IDCs. This Budget measure provided the following Budget allocations, which included Brisbane:

2003-04 and the outyears	\$10.7M
2002-03	\$8.7M
2001-02	\$1.0M
2000-01	\$1.0M

Consultations have been undertaken on a site and a final decision is yet to be made by the Government.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(22) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 15) asked:

Provide the forward estimate cost of the rental for the wing of the Arthur Gorrie state prison that is used for immigration detainees.

Answer:

DIMIA does not pay rental costs under the current arrangement with Queensland Corrections for the use of the Arthur Gorrie Correctional Centre. A rate of \$95 per day per detainee is charged to cover the costs of holding a person in the State Government facility.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(23) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 15) asked:

Provide the details of the rental paid in respect of the women's prison and the motels (in Brisbane).

Answer:

DIMIA does not pay rental costs under the current arrangement with Queensland Corrections for the use of the women's prison. A rate of \$95 per day per detainee is charged to cover the costs of holding a person in the State Government facility.

The cost for providing accommodation for an immigration detainee in a motel depends on the location. For instance a motel located near the airport that is regularly used costs \$86 per night.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(24) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 16) asked:

Provide a breakdown, both historical and what the breakdown is on the forward estimates, if any, for the use of the facilities in Darwin.

Answer:

DIMIA pays a daily rate per immigration detainee when the Northern Territory facilities are accessed. The rates range between \$149.80 and \$546.54 depending on the facility and the special needs of the detainee.

Forward Estimates for the use of facilities in Darwin are managed within an overall detention funding envelope.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(25) Output 1.3: Enforcement of immigration law

Senator Ludwig (L&C 17) asked:

Which were the two times that Omar Abdi Mohamed entered on the same visa?

Answer:

Mr Omar Abdi Mohamed was granted three short-stay (multiple entry) visitor visas, two of which he used to enter Australia more than once:

- The first visa was granted on 5 December 2000 and was valid until 5 December 2001. Mr Mohamed used this visa to enter Australia on 29 December 2000 to 28 January 2001. He used this same visa to enter Australia on 25 July 2001 to 28 August 2001.
- Mr Mohamed's third visa was granted on 13 January 2003 and was valid until 13 January 2004. He used this visa to enter Australia on 24 February 2003 to 3 May 2003, and again on 27 September 2003 to 25 December 2003.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(26-28) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 19 and 21) asked:

Can you check whether or not DIMIA consulted with ASIO about the inquiry from the US Embassy instigated by the AFP?

Provide the details of the information that DIMIA got in respect of the inquiry about Omar Abdi Mohamed's immigration status.

When the US Embassy advised the AFP and the AFP advised you about Mr Mohamed, was a visa asked for after that date? Was it applied for by Mr Mohamed?

Answer:

The AFP has advised it did not have any contact with the US Embassy on this matter. DIMIA has no record of an inquiry being received from the US Embassy on Omar Abdi Mohamed's immigration status.

Discussions took place between the Department and ASIO following the publication of the article on 29 January 2004. Initial information received indicated that the US Embassy had sought details of Mr Mohamed's movements through the AFP. We were subsequently advised that the AFP had not been involved.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 17 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(29) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 21) asked:

Did that come to your attention during the other processing you had been doing when he [Mr Mohamed] had been coming in and out? Was that information available to you then? Were you aware that he had a wife and of the address?

Answer:

Departmental records relating to Mr Mohamed's third visa application make reference to his intention to visit his son and partner in Australia. No names or addresses are recorded. Ms Bannerman's address is recorded on Mr Mohamed's most recent incoming passenger card, as being his intended address while in Australia. Following media reports on 30 January 2004 the passenger card was examined and the link with Ms Bannerman was made.