

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 12 February 2007

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(100) Output 1.3: Enforcement of Immigration Law

Senator Kirk asked:

In relation to answers given to Question 181

1.(a) When did facial mapping without permission become legal?

(b) Why was the second RRT decision by Giles Short ignored when he stated that the photo was not the applicant and subsequently relied only on unverified newspaper reports?

2. If the ID card for Mazhar Ali was received in October 2002, why wasn't it referred to Mazhar Ali until February 2003, and why was only an Australian Travel document then supplied to Mazhar Ali?

Answer:

1.(a) The facial mapping analysis was undertaken by a qualified forensic pathologist at the request of the Department. This request was made after claims from Mr Bakhtiyari that the photograph obtained from the Pakistan Government was not of him. The forensic pathologist's report was provided to the Department as part of the investigations undertaken by the decision maker. The onus is on the decision maker to undertake such investigations as he or she considers necessary in order to make a fully informed decision. In this case, evidence from an expert in the field of forensic pathology was considered necessary.

In order to satisfy natural justice provisions and as part of usual departmental practice, Mr Bakhtiyari's representatives were provided with an opportunity to comment on the facial mapping report.

1.(b) & 2. The Department of Immigration and Citizenship holds in excess of 80 files for the Bakhtiyari family. The Department does not have the requested information readily available and to collate this information would involve a manual examination of each individual file. The work required would be an unreasonable diversion of departmental resources.