

CHAPTER 2

IMMIGRATION AND CITIZENSHIP

PORTFOLIO

Introduction

2.1 This chapter summarises areas of interest and concern raised during the committee's consideration of the additional estimates for the Immigration and Citizenship portfolio for the 2007-08 financial year.

Department of Immigration and Citizenship (DIAC)

2.2 The committee sought information from officers on the increased Commonwealth efficiency dividend.¹ Specifically, the committee questioned officers on how DIAC and its programs would be affected by the increase. Officers told the committee that DIAC was still to decide on how to meet the increased efficiency dividend and could not yet identify specific programs that may be affected.² In relation to DIAC's finances, officers told the committee that DIAC was undertaking a financial 'health check' in conjunction with the Department of Finance and Deregulation to examine overall funding arrangements for DIAC.³ Officers explained that:

The previous government decided that the resource agreement was not working satisfactorily and agreed that there should be an agency health check and financial health check of the departments (DIAC's) funding...The concluded work of that agency health check will be contained in the budget itself later this year.⁴

2.3 The committee continued its long standing interest in the subclass 457 visa program and skilled migration more generally. The Minister advised the committee that a reference group had been established to:

...examine how we can make the temporary skilled visa program, the subclass 457 program, work more effectively to meet the skilled needs of the resource, construction and infrastructure sectors.⁵

1 *Committee Hansard*, 19 February 2008, p. 12.

2 *Committee Hansard*, 19 February 2008, p. 12.

3 *Committee Hansard*, 19 February 2008, pp. 10-11.

4 *Committee Hansard*, 19 February 2008, p. 10-11.

5 *Committee Hansard*, 19 February 2008, p. 3.

2.4 The Minister advised the committee that the government had allocated an extra 6,000 permanent skilled visas for the current financial year together with an expansion of the working holiday maker scheme.⁶ The committee also questioned officers on how processing times could be improved for skilled migrant applicants. Officers advised the committee that the government was considering an accreditation system whereby applications could be fast tracked from '...employers and sponsors who have impeccable credentials and a sound track record of compliance with immigration regulations...'.⁷

Citizenship Test

2.5 As with previous hearings the committee questioned officers on the citizenship test (the test). The Minister told the committee that a review of the test would be undertaken.⁸ The committee questioned officers on pass rates for various cohorts undertaking the test. Officers told the committee that pass rates for the test on the first or subsequent attempts were as follows⁹:

Entrant Group	Skilled Entrants	Family Entrants	Humanitarian Entrants
Pass Rate (%)	97	90	80

2.6 The committee notes that the pass rate for Humanitarian Entrants is lower than other migrant cohorts. The committee also notes that during its inquiry into the *Australian Citizenship Testing Amendment (Citizenship Testing) Bill 2007 [Provisions]* concerns were raised about the potential impact of the test on specific groups seeking to gain citizenship, in particular refugee and humanitarian entrants. The committee continues to be mindful of these concerns and awaits with interest the outcome of the review announced by the Minister.

Ministerial Powers

2.7 During the course of the hearings, the committee also questioned the Minister on the use of ministerial powers and discretion in relation to the Migration Act. The minister told the committee that:

On coming to government I sought to review all ministerial powers...the act is unlike any act I have seen in terms of the power given to the minister

6 *Committee Hansard*, 19 February 2008, p. 3.

7 *Committee Hansard*, 19 February 2008, p. 29.

8 *Committee Hansard*, 19 February 2008, p. 3.

9 *Committee Hansard*, 19 February 2008, p. 105.

to make decisions about individual cases. I am uncomfortable with that not just because of a concern about playing God but also because of the lack of transparency and accountability for those ministerial decisions, the lack in some cases of any appeal rights against those decisions and the fact that what I thought was to be a power that was to be used in rare cases has become very much the norm.¹⁰

2.8 The minister also told the committee that figures indicated there had been a substantial increase in the use of ministerial powers.¹¹ The committee notes that these concerns have also been raised during several previous Senate committee inquiries most notably the Senate Select Committee on Ministerial Discretion in Migration Matters and the Senate Legal & Constitutional References Committee's inquiry: *Administration and operation of the Migration Act 1958*. The committee is encouraged by the Minister's decision to review ministerial powers and awaits the outcome with interest.

Ms Cornelia Rau

2.9 The committee sought an update on the case of Ms Cornelia Rau. Officers told the committee that Ms Rau's lawyers had accepted an offer of compensation from the Government, but that the terms of settlement had yet to be finalised.¹² Committee members sought details on the total legal costs to the Commonwealth in relation to Ms Rau's case. Officers undertook to provide the information on notice.¹³

Senator Trish Crossin

Committee Chair

10 *Committee Hansard*, 19 February 2008, p. 22.

11 *Committee Hansard*, 19 February 2008, p. 22.

12 *Committee Hansard*, 19 February 2008, p. 24.

13 *Committee Hansard*, 19 February 2008, p. 19.

