

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARINGS: 21 FEBRUARY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(152) Program 4.3: Offshore Asylum Seeker Management

Senator Cash asked:

- 1) How many tests has the department conducted on IMA's claiming to be minors?
- 2) What tests were undertaken and how reliable are those tests? What are the results of those tests?
- 3) How many claimed minors have been found to be in fact over the age of 18 years?
- 4) Will any punitive action be taken against those who have lied on their applications?

Answer:

- 1) The Department does not keep separate statistics on the number of cases where age determination processes have been undertaken. Age is just one aspect of identity that the Department seeks to establish in relation to undocumented clients.
- 2) Where it is not clear whether a client is over or under 18 years of age, the Department seeks to establish this by taking into account a range of information, including outcomes of client interviews, any documents or reports a client might provide, advice from family members and so on. Checking of claims is undertaken in accordance with the Department's obligations under the *Privacy Act 1988*. The Department also works with clients to locate any documentation which may be relevant to establishing their identity.

The issue of age determination is often complex, with many clients who arrive as Irregular Maritime Arrivals presenting with no proof of identity and often not being able to provide a date or even a year of birth.

- 3) As noted above, the Department does not keep separate statistics on the number of cases where age determination processes have been undertaken, as age determination is just one aspect of establishing identity. The Department can confirm that there have been some cases where, following examination of age-related claims, clients claiming to be minors have been assessed to be adults.
- 4) Where the Department considers that a person claiming to be a minor is an adult, the client is provided with an opportunity to comment on the Department's views and provide further information in support of their age-

related claims. Once the Department has found that a person claiming to be a minor is an adult, they are treated as an adult for detention purposes from that date. If they admit they provided incorrect information regarding their age on their application for refugee status, they will also be asked to explain why they provided false or incorrect information. There are many reasons why a person may have provided false or incorrect information, including that they do not know the correct information. Decisions about what action to take in response to the provision of false or incorrect information are made on a case-by-case basis.