

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(AE12/0232) Program 1.1: Visa and Migration

Senator Cash asked:

Have any asylum seekers either in detention, community residence or on bridging visas made applications under the prospective spousal visa program? If so what is the status of those applications?

Answer:

No asylum seekers either in detention, community detention or on bridging visas have made applications under the Prospective Marriage visa program. Asylum seekers, because of their unlawful entry to Australia, are prevented, by Section 46A of the Migration Act, from applying for a Prospective Marriage visa.

Furthermore, Prospective Marriage visa applications must be lodged outside Australia by applicants who are outside Australia in order to meet application validity requirements.

The only way in which an asylum seeker can be granted a Prospective Marriage visa is through the Ministerial intervention process. The Minister has not granted any Prospective Marriage visas to asylum seekers since 1 July 2007.

One asylum seeker was granted a Prospective Marriage Visa under s351 in November 2006.