

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 22 May 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

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

Senator Nettle asked:

1. If a person in West Papuan believed they needed to flee their country and seek protection in Australia, what would be the 'lawful' and proper way for such a person to seek a protection visa or refuge from Australia?
2. Is there an Australian consular office in Jayapura?
3. What access to Australian legal services will people be given under the new laws?
4. Will there be a time limit for processing under these new laws?

Answer:

1. Refugees can enter the international protection arrangements by approaching UNHCR or authorities of the country in which they are present. Access to Australia's offshore Humanitarian Programme by refugees is usually through referral from UNHCR after that agency had assessed the person to be a refugee and has concluded that resettlement is the appropriate durable solution for the particular individual.

In addition, any non-citizen outside Australia may make an application direct to Australia for a class XB Refugee and Humanitarian visa from any country.

2. No.

3. The Government provides publicly funded migration agent assistance to protection visa applicants in detention in Australia through a panel of private sector and 'not for profit' service providers. As announced by the Prime Minister on 21 June 2006, these arrangements would be expanded to include provisions of similar levels of publicly funded support for people being processed in Offshore Processing Centres.

This would typically involve deployment of teams of migration agents to prepare statements in support of refugee claims and then sit in on the refugee interviews conducted by the decision-maker. This arrangement would include funding for face-to-face contact between the adviser and client, such as through the initial and any review interviews, and also for other contact via telephone, fax or the internet. The Government would meet the reasonable costs associated with the extension of this migration agent assistance to designated unauthorised arrivals.

4. As announced by the Prime Minister on 21 June 2006, while it is not appropriate to

address time limits for a non-statutory process through the Bill, the Government commits to making a decision on a person's request for refugee status within three months, where possible. To reflect the reports provided in relation to the processing of onshore Protection Visa applications, it is proposed that Part 8 D of the *Migration Amendment (Designated Unauthorised Arrivals) Bill 2006* be amended to include reporting on the achievement of this target time for processing, including the instances where timeframes are not met and the reasons why. All reporting will be de-identified to comply with privacy and protection requirements. This will make arrangements for processing align more closely with those that now apply in Australia following changes made last year.