

# CHAPTER 1

## IMMIGRATION AND CITIZENSHIP

### PORTFOLIO

#### Introduction

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

#### Department of Immigration and Citizenship

1.2 Changes in the output/outcome structure for DIAC are outlined in appendix 4.

1.3 The committee received an update on DIAC's projected overspend for the 2006-07 financial year. Officers told the committee that DIAC's overspend would be close to the \$55.4 million approved by the Department of Finance and Administration (DoFA). Officers told the committee that DIAC was working with DoFA to ensure appropriate funding levels in the future to take into account new expenditure, such as the implementation of the Palmer and Comrie reports.<sup>1</sup>

1.4 Continuing its examination of DIAC's finances, the committee sought an explanation for the increase in DIAC's employee expenses from \$499 million in 2006-07 to \$522 million in 2007-08. DIAC explained that implementation of the citizenship test and additional checking of temporary long stay (457) visas required increased staff numbers. In addition, pay rises negotiated under DIAC's new enterprise agreement had also increased employee costs.<sup>2</sup>

1.5 The committee continued its oversight of DIAC's implementation of the Palmer and Comrie reports, obtaining an update from DIAC on the 247 cases of possible unlawful detention referred to the Ombudsman for investigation. DIAC told the committee that 84 case summaries have been provided to DIAC by the Ombudsman, and DIAC was considering responses to each case.<sup>3</sup> The committee also questioned officers on the progress of the compensation claim of Ms Cornelia Rau. DIAC advised that a statement of claim had been provided by Ms Rau's lawyers and

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<sup>1</sup> *Committee Hansard*, 21 May 2007, pp 17-19. In 2005 Mr Mick Palmer issued a report on the Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau. In the same year Mr Neil Comrie, with assistance from the Commonwealth Ombudsman, issued a report into the removal of Ms Vivian Alvarez Solon from Australia.

<sup>2</sup> *Committee Hansard*, 21 May 2007, p. 20.

<sup>3</sup> *Committee Hansard*, 21 May 2007, p. 31.

DIAC was assessing the claim and how to resolve it, including the consideration of whether alternative dispute resolution should be pursued.<sup>4</sup>

1.6 In relation to outcome 1, the committee sought information about matters including:

- the recent report by the Auditor-General on the administration of the health requirement under the Migration Act including the lack of monitoring of health undertakings made by people granted visas;<sup>5</sup>
- the review of the policy in relation to HIV positive visa applicants being undertaken at the request of the Prime Minister;<sup>6</sup> and
- waiting periods for contributory parent visa applicants.<sup>7</sup>

1.7 The committee questioned DIAC on the Government's arrangements with the United States of America (USA) to accept refugees accommodated at Guantanamo Bay and for the USA to accept refugees accommodated on Nauru.<sup>8</sup> Committee members questioned officers on the negotiation process of the agreement, in particular the timeline of events leading to the agreement. Officers agreed to provide details on notice.

1.8 DIAC provided information in relation to the 83 Sri Lankan asylum seekers who were intercepted by the Navy in international waters, taken to Christmas Island for initial screening interviews and ultimately sent to Nauru for processing of their claims for asylum. DIAC updated the committee on the progress of the claims together with an update on the progress of asylum claims of Burmese asylum seekers also on Nauru.<sup>9</sup>

1.9 In relation to output 2.1 (settlement services), the committee sought further details on the proposed measures to increase support for recently arrived humanitarian entrants, including in relation to:

- the purpose of a proposed discretionary fund to support the settlement of refugees in regional areas;<sup>10</sup>
- the new Proposer Support Program to strengthen the capacity of proposers to support entrants under the Special Humanitarian Program;<sup>11</sup>

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<sup>4</sup> *Committee Hansard*, 21 May 2007, p. 29

<sup>5</sup> *Committee Hansard*, 21 May 2007, pp 40-43.

<sup>6</sup> *Committee Hansard*, 21 May 2007, pp 38-40.

<sup>7</sup> *Committee Hansard*, 21 May 2007, pp 43-44.

<sup>8</sup> *Committee Hansard*, 21 May 2007, pp 68-78.

<sup>9</sup> *Committee Hansard*, 21 May 2007, pp 92-97.

<sup>10</sup> *Committee Hansard*, 22 May 2007, p. 22.

<sup>11</sup> *Committee Hansard*, 22 May 2007, pp 27-29.

- the establishment of Complex Case Support services to deliver specialised and intensive case management to recently arrived humanitarian entrants with exceptional needs (i.e. where pre-migration experiences, severe torture and trauma or crisis events present significant barriers to settlement beyond the capacity of existing services);<sup>12</sup> and
- the proposed Crisis Payment for humanitarian entrants to help address the financial hardship faced by families in their first weeks.<sup>13</sup>

1.10 The committee examined in detail the proposed citizenship test. Committee members asked officers if samples of the test's 'questions' published in the media were written and released by the government or DIAC. Officers told the committee that the citizenship test questions had not yet been framed, and therefore were not released by the government or DIAC.<sup>14</sup>

1.11 Additionally, committee members questioned officers on how the test will operate, examining DIAC on:

- who will administer the test;<sup>15</sup>
- costs for applicants;<sup>16</sup> and
- the information booklet to accompany the proposed test.<sup>17</sup>

## **Migration Review Tribunal and Refugee Review Tribunal**

1.12 The committee questioned the Tribunals about:

- cost savings resulting from combining the administration of the Tribunals;<sup>18</sup>
- reductions in staff numbers<sup>19</sup>;
- the new case management system employed by the Tribunals<sup>20</sup>; and
- the composition of the MRT caseload by visa class and factors affecting the composition of the caseload.<sup>21</sup>

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<sup>12</sup> *Committee Hansard*, 22 May 2007, pp 30-34.

<sup>13</sup> *Committee Hansard*, 22 May 2007, p. 33.

<sup>14</sup> *Committee Hansard*, 22 May 2007, pp 51-52.

<sup>15</sup> *Committee Hansard*, 22 May 2007, pp 60-64.

<sup>16</sup> *Committee Hansard*, 22 May 2007, p. 51.

<sup>17</sup> *Committee Hansard*, 22 May 2007, pp 57, 60.

<sup>18</sup> *Committee Hansard*, 22 May 2007, p. 7.

<sup>19</sup> *Committee Hansard*, 22 May 2007, pp 3-10.

<sup>20</sup> *Committee Hansard*, 22 May 2007, pp 10-12.

<sup>21</sup> *Committee Hansard*, 22 May 2007, p. 13.

1.13 The committee sought information on the use of translation services in the RRT and MRT and heard that around 66 percent of MRT cases and 90 percent of RRT cases use translation services. These services are provided in over 90 languages.<sup>22</sup>

1.14 The committee sought information on whether training and guidance for RRT members covers sexuality issues relating to refugees. Officers responded that these issues would be considered, particularly in the development of guidance on 'vulnerable persons' to be released later this year.<sup>23</sup>

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<sup>22</sup> *Committee Hansard*, 22 May 2007, p. 16.

<sup>23</sup> *Committee Hansard*, 22 May 2007, pp 16-21.