

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 23 MAY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE11/0085) Program 1.1: Visa and Migration

Senator Cash (L&CA 32) asked:

Whether there have been any actual instances of abuse of the process or the provisions.

Answer:

The department is aware that each year a small number of persons seek access to the Family Violence provisions where they are not a genuine victim of family violence. These applications are either refused by the decision maker based on inadequate evidence or referred to Centrelink for further assessment.

The department is bound by law to only grant visas to persons who meet the legislative requirements applicable to the visa for which they have applied. In cases where family violence claims are made a person must be found to have been a victim of family violence in order to be eligible for the grant of a visa on that basis. The department is unaware of any person being granted a permanent visa where they have not been found to be a genuine victim, either by the decision maker, the independent expert, the Migration Review Tribunal if the case is reviewed or a court of law.

Where credible allegations are made that a person claiming to be the victim of family violence is not in fact a victim, the department conducts an investigation into those claims. Where allegations are found to be correct the application is not progressed on family violence grounds and if the applicant does not meet any other criteria for the grant of a Partner visa, the application is refused.