

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 27 & 28 May 2013

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE13/0227) PROGRAM – Internal Product

Senator Cash (Written) asked:

What has been the cost to the department of defending and funding protection claims from asylum seekers who are IMA's in 2012-13?

Answer:

Defending

For the period 1 July 2012 to 31 May 2013 the total internal and external litigation cost for the Commonwealth to defend Irregular Maritime Arrival (IMA) matters before the courts was \$6.326 million.

Funding

The department funds assistance to IMAs who are making claims for protection in Australia. The assistance is provided by registered migration agents under the Immigration Advice and Application Assistance Scheme (IAAAS). For the period 1 July 2012 to 31 May 2013 expenditure on IAAAs advice and assistance for IMAs was \$25.206 million.

Costs associated with appeals to the courts by IMAs are not met by the IAAAS. However, under a scheme called the Legal Advice Scheme some IMAs seeking judicial review in New South Wales and Western Australia receive legal advice funded by the Department. This legal advice is provided by members of a panel of independent legal practitioners and does not include legal representation before the courts. There is no specific departmental budget amount for this scheme and, in relation to people who have accessed the scheme, there is no specific data on IMAs.