

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 27-28 May 2013

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE13/0228) PROGRAM – Internal Product

Senator Cash (Written) asked:

What is the budgeted cost for 2013-14? At what stage of the process does the legal funding to IMA's cease? Do they have access to funding to pursue claims through the RRT? The courts? If not, who funds these cases?

Answer:

The Department funds assistance to irregular maritime arrivals who are making claims for protection by Australia. The assistance is provided by registered migration agents under the Immigration Advice and Application Assistance Scheme. The advice is not legal advice. Services under this scheme are available at both the primary and review stages of the protection claims process. This includes appeals to the Refugee Review Tribunal, for those irregular maritime arrivals who are eligible to apply to the Refugee Review Tribunal.

In 2012-13, expenditure on advice and assistance for irregular maritime arrivals under the scheme amounts to \$25.2 million, as at 31 May 2013.

The projected expenditure in 2013-14 is \$27 million.

Costs associated with appeals to the courts by irregular maritime arrivals are not met by the department. However, under a scheme called the Legal Advice Scheme some irregular maritime arrivals 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 result in departmental funding of legal representation before the courts. There is no specific departmental budget amount for the Legal Advice Scheme and, in relation to people who have accessed the scheme, there is no specific data on irregular maritime arrivals.