

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(11) Output: Internal Product

Senator Ludwig asked:

For all of the following questions, please answer with respect to both the Department and all agencies constituted under it.

(a) For each of the financial years i) 1995-96, ii) 1996-97, iii) 1997-98, iv) 1998-99, v) 1999-00, vi) 2000-01, vii) 2001-02, viii) 2002-03, ix) 2003-04 how much was spent in advertising or advertorial in the ethnic press?

(b) For each of the above years, could the Department please specify each title, in which advertising was bought, the language of that title and the total annual spend on advertising and advertorial in each title.

(c) For each of the financial years i) 1995-96, ii) 1996-97, iii) 1997-98, iv) 1998-99, v) 1999-00, vi) 2000-01, vii) 2001-02, viii) 2002-03, ix) 2003-04 how much was spent in advertising and or advertorials on ethnic radio? For each financial year, could the Department please specify which station, broadcast language and how much was spent on each language at each station?

Answer:

(a) Departmental systems do not contain records extending back to 1995-96. The Department changed its Financial Management Information System in the middle of the period covered by the Question. In addition, for some years, individual departmental business units have been able to directly engage the services of various advertising agencies and media outlets. Those central records which do exist do not differentiate advertising in mainstream media from advertising in the ethnic press. Available systems data therefore does not provide a level of detail sufficient to provide a response in the format requested. Such a response would entail considerable clerical effort, the costs of which could not be justified.

The MRT and the RRT advised that for each of the financial years 1995-96, 1996-97, 1997-98, 1998-99, 1999-00, 2000-01, 2001-02, 2002-03 and 2003-04 nil was spent in advertising or advertorial in the ethnic press.

The MARA advised that for the financial years 1995-96 to 2002-03 no money was spent on advertising or advertorial in the ethnic press. For the financial year 2003-04 there was \$28,770.88 spent in advertising or advertorial in the ethnic press.

The Indigenous agencies advised a nil response.

(b) Available departmental systems data does not provide a level of detail sufficient to provide a response in the format requested. See response to part (a) above.

The MRT and the RRT advised that part (b) is not applicable. See also response to part

(a) above.

The MARA is able to provide some relevant information for financial year 2003-04 and advised that:

2003-04

Community	Language	Publication	Total
Arabic	Arabic	An Nahar	\$1,188.00
Arabic	Arabic	El Telegraph	\$1,350.00
Arabic	Arabic	Middle Eastern Herald	\$1,152.00
Cambodian	Cambodian	Smaradey Khmer	\$624.00
Chinese	Chinese	Chinese Herald	\$2,090.00
Chinese	Chinese	Sing Tao	\$1,496.88
Chinese	Chinese	21st Century Chinese News	\$900.00
Chinese	Chinese	Australian Chinese Daily	\$738.00
Filipino	Filipino	Philippine Community Herald	\$1,050.00
Indian (Hindi)	English	Hindi Samachar Patrika	\$1,080.00
Indian (Punjabi)	English	Indian Link	\$990.00
Indian (Punjabi)	English	Indian Voice, The	\$800.00
Indian (Punjabi)	English	Indo Media	\$620.00
Indian (Punjabi)	English	Indo Times	\$1,140.00
Japanese	Japanese	Nichigo Press	\$2,190.00
Korean	Korean	Sydney Korean Herald, The	\$1,242.00
Nepalese	English	Nepali Australian Link	\$500.00
Persian	Persian	Persian Herald	\$1,080.00
Russian	Russian	Unification - Edinenie	\$630.00
Serbian	Serbian	World Serbian Voice	\$1,440.00
Spanish	Spanish	El Espanol	\$1,440.00
Sri Lankan	English	Pahana	\$660.00
Thai	Thai	Thai Media	\$666.00
Turkish	Turkish	Dunya	\$1,152.00
Vietnamese	Vietnamese	Vietnam Thoi Nay	\$1,080.00
Vietnamese	Vietnamese	Nam Uc Tuan Bao	\$900.00
Vietnamese	Vietnamese	Ti Vi Tuan San	\$572.00

The Indigenous agencies advised a nil response.

(c) Available departmental systems data does not provide a level of detail sufficient to provide a response in the format requested. See also response to part (a) above.

The MRT and the RRT advised that part (c) is not applicable. See response to part (a) above.

The MARA advised that for the financial years 1995-96 to 2003-04 no money was spent on advertising or advertorial on ethnic radio.

The Indigenous agencies advised a nil response.

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(18) Output 1.1: Non-Humanitarian Entry and Stay

Senator Bartlett asked:

How many people from Vietnam have been given Australian permanent visas other than humanitarian since 1975 (break down into categories, eg. family reunion and overseas student)?

Answer:

65,200 Vietnamese citizens arrived in Australia on permanent visas under the Migration (non-Humanitarian) Program between April 1975 and June 2004.

Data by migration category is only available since 1982-83. However, only a handful of Vietnamese citizens obtained non-humanitarian visas prior to the establishment of the Vietnamese Family Migration Program in September 1982. During the period July 1982 to June 2004, a total of 64,685 Vietnamese citizens arrived in Australia on non-humanitarian permanent visas – 62,005 under the Family Stream of the Migration Program and 2,680 under the Skill and Special Eligibility Streams.

Data on the number of Vietnamese citizens who arrived in Australia on temporary visas (students, visitors, etc) and subsequently obtained permanent visas while in Australia is only available from July 1996. During the period July 1996 to June 2004, a total of 3,381 Vietnamese citizens who arrived in Australia on temporary visas were granted permanent visas while in Australia - 2,925 under the Family Stream and 456 under the Skill and Special Eligibility Streams.

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(19) Output 1.1: Non-Humanitarian Entry and Stay

Senator Greig asked:

I refer to the requirement that same-sex couples must establish the existence of a relationship of twelve months duration immediately preceding an application for a sponsored Interdependent Partner Visa application.

- (a) Do the words 'live together' require that parties to the application must cohabit or reside together under the same roof for the entirety of the twelve month period preceding their application?
- (b) If not, is there a minimum period of cohabitation required during that period in order to fulfil the requirements of the application process?
- (c) In what circumstances would Visa applicants be considered to have demonstrated an on-going, genuine, exclusive and committed relationship for the purposes of Regulation 1.15A requirements, so as to be regarded to be living together, if they had not cohabited for the entirety of the preceding twelve months?
- (d) Does DIMIA have documented guidelines to assist its officers to determine the existence of an on-going, genuine, exclusive and committed same-sex relationship in circumstances where the parties have not cohabited for the full twelve months prior to a Visa application?
- (e) Have there been instances in which individuals not residing together for twelve months prior to their application have successfully applied for an Interdependent Partner Visa? If so, how many?
- (f) How many of those referred to in question (e) have been rejected, and on what grounds?
- (g) What avenues are open to same-sex couples who fulfil all requirements of the Interdependent Visa application process, except for those relating to length of period of cohabitation?
- (h) What avenues are open to same-sex partners in circumstances where both are foreign nationals, and by virtue of an offer of employment, one is able to apply for permanent residency and seeks to sponsor a same-sex partner under the Interdependent Partner visa category?

Answer:

(a)-(b) The requirements for an interdependent relationship are set out in regulation 1.09A of the Migration Regulations. Regulation 1.09A(2) provides that the Minister must be satisfied that, for the period of 12 months immediately preceding the date of the application, the parties had a relationship:

- in which they had a mutual commitment to a shared life to the exclusion of any spouse relationships or any other interdependent relationships; and
- that is genuine and continuing; and

- in which they had been living together, or not been living separately and apart on a permanent basis.

The 12-month requirement therefore relates to the relationship as a whole, including the level of commitment and living arrangements. The requirement for cohabitation is one aspect of establishing the relationship and should be considered in the context of the other major aspects. The parties must establish that they have a mutual commitment to a shared life to the exclusion of any spouse relationships or any other interdependent relationships, that their relationship is genuine and continuing and that they live together or live apart only on a temporary basis.

Consideration of a period of cohabitation less than 12 months immediately prior to the application is provided in the Migration Regulations. The parties may demonstrate that they:

- have not been living separately and apart on a permanent basis (regulation 1.09A(2)); or
- can establish compelling and compassionate circumstances to waive the 12-month relationship requirement (regulation 1.09A(2A)).

There is also the provision at regulation 1.09A(6) that, if the parties have lived together at the same address for 6 months or less, this fact alone does not preclude the relationship from being genuine and continuing.

Compassionate and compelling circumstances relating to the 12-month relationship requirement for Interdependency visa applicants could include where same-sex relationships are contrary to the law in the applicant's country of residence. However, the parties would still have to establish that they have a mutual commitment to the exclusion of any spouse or any other interdependent relationship and that their relationship is genuine and continuing.

Decision-makers have to look at the individual circumstances of each case. There is no specific formulation on how to demonstrate a mutual commitment to a genuine and continuing interdependent relationship. The list of circumstances at regulation 1.09A(5) are simply considered to be key elements in establishing whether or not an interdependent relationship exists.

(c) Regulation 1.15A is the provision relating to spouses, including married and de facto relationships. It is consistent with the requirements for interdependent relationships at regulation 1.09A in that de facto spouses are required to satisfy the same key aspects of establishing that they have had a genuine and continuing relationship for 12 months. Similar arrangements for considering relationships of shorter duration also exist for de facto visa applicants.

(d) Guidelines relating to interdependent relationship cohabitation for DIMIA decision-makers are documented in the Department's Procedures Advice Manual 3 at [PAM3:Div1.2/reg1.09A – Interdependent relationship](#).

(e) There have been such instances. However, the Department does not maintain data in the format requested. To answer the question would require an unreasonable diversion of resources.

(f) The Department does not maintain data in the format requested. To answer the question would require an unreasonable diversion of resources. However, in 2003-04, the refusal rate for Interdependency visas applied for outside Australia was 8.9% and, for those applied for in Australia, 6.0%. Refusals were generally on the grounds of not being able to meet the 12 month relationship at time of application requirement.

(g) See the answer at (a) above.

(h) A non-citizen person who has applied for permanent residence on the basis of employment can sponsor their non-citizen same-sex partner for an Interdependency visa once they have acquired Australian permanent residency and can satisfy the requirements relating to sponsors.

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

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

Senator Bartlett asked:

On the 30th June 2004, what was the total number of Protection Visa applicants in Australia and in each state and territory?

Answer:

Departmental systems indicate that as at 30 June 2004, there were 22 Protection visa (PV) applicants in immigration detention and 666 applicants not in immigration detention, who were awaiting a primary decision from the Department.

Given the nature of information sought in questions (20) to (32), these figures and subsequent answers to questions (21) to (32) exclude applications for Further Protection Visas (FPVs) lodged by holders of Temporary Protection visas (TPVs) and offshore Temporary Humanitarian visas.

Of the non-detainee PV caseload 33 persons do not at present have a reportable residential address postcode. Of the remainder, the State and Territory breakdown is as follows:

State	Non-Detention PV applicants
ACT	9
NSW	320
QLD	17
SA	45
TAS	3
VIC	219
WA	20