

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES: November 2004**

**IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO**

**(31) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Bartlett asked:

As of 30th June 2004, how many Protection Visa applicants had been without income assistance and work rights for 0-6 months; 6-12 months; 12-18 months; 18-24 months, and; 24 months and over in Australia and in each state and territory?

*Answer.*

Departmental systems are unable to provide consolidated statistics on this matter.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(32) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Bartlett asked:

As of 30th June 2004, what are the compliance rates for Protection Visa applicants with Bridging Visas who have never been detained (i.e. how many "disappeared")? Of these, how many had ASAS income assistance and how many had no ASAS income assistance?

*Answer:*

The Department normally collects data on those who are unlawful or in breach of visa conditions, and has information about cases that come to our notice. However, analysis of the data based on the type of visa applied for, such as a PV, is necessarily complex and not readily available.

Departmental systems are also unable to provide consolidated statistics on the second part of this question.

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### **SUPPLEMENTARY BUDGET ESTIMATES: November 2004**

#### **IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO**

#### **(33) Output 1.3: Enforcement of Immigration Law**

Senator Bartlett asked:

What is the breakdown of the current visa and detention status (including where detained) of all people who arrived on the boat Hao Kiet, which arrived in Port Hedland on approximately 1 July 2003?

*Answer:*

As at 8 December 2004, of the 54 people in this caseload, eleven had been granted visas and released from detention.

The 43 people remaining in immigration detention or prison are unlawful non-citizens currently pursuing judicial or merits review of their decisions. Their detention status is as follows:

- 39 people (including a child born after arrival in Australia) are detained at Christmas Island Immigration Reception and Processing Centre;
- 1 person is in Acacia Prison in Western Australia; and
- 3 persons are being detained at Perth Immigration Detention Centre.

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#### **IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO**

#### **(34) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Bartlett asked:

How many people from Vietnam have been given Australian humanitarian visas since April 1975 (break down into categories, e.g. refugees, temporary protection, and special humanitarian, special assistance category)?

*Answer:*

Complete data for the period requested is not readily available in reportable form from Departmental systems. The information provided relates to arrivals of Vietnamese citizens under various programs.

The information provided is derived from two sets of arrivals data:

- a consolidated number of arrivals for each program year of Vietnamese citizens by broad migration category including under the Humanitarian Program from April 1975 to 30 June 2004; and
- a breakdown by visa category of Vietnamese citizens who arrived on permanent visas and student visas from 1982-83 to 30 June 2004.

Arrivals information has been compiled from Departmental Overseas Arrivals and Departures data that is sourced from Incoming Passenger Cards. Arrivals and Departure information is used in various Departmental publications.

A total of 108,537 Vietnamese citizens arrived in Australia under the Humanitarian Program in the period April 1975 to 30 June 2004.

For the period 1982-83 to 30 June 2004, Vietnamese citizens who arrived in Australia under the Humanitarian Program by category are as follows:

- (a) Refugee category – 40,035 persons;
  - (b) Special Humanitarian Program – 12,654 persons; and
  - (c) Special Assistance Category – 1,451 persons; and
  - (d) Temporary Protection – 9 persons (granted after arrival in Australia).
- (Please note, in regard to response (d) above, that a figure of 10 persons was provided in answer to an equivalent question in QON 3177. The answer above reflects subsequent checks of information in DIMIA systems).

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(35) Output 1.2: Refugee and Humanitarian Entry and Stay**

Senator Bartlett asked:

How many people from Vietnam have sought asylum after arriving in Australia by boat since April 1975? Of them, how many were denied protection obligation by DIMIA or its predecessor?

*Answer:*

For the period 1975 to mid-1989, systems cannot report on the exact number of Vietnamese nationals who arrived in Australia as unauthorised boat arrivals or the number of applications for protection lodged, granted and refused.

Complete statistics are not available broken down by nationality for unauthorised boat arrivals since 1975.

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### **SUPPLEMENTARY BUDGET ESTIMATES: November 2004**

#### **IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO**

##### **(36) Output 1.3: Enforcement of Immigration Law**

Senator Bartlett asked:

Who do DIMIA officials or detention centre management notify when a detainee is released on a Bridging Visa and what system is in place to ensure that their lawyer, counsellor, doctor, family, friends and community are notified of a detainees release?

*Answer:*

Detainees granted Bridging Visas (BVEs) generally have contacts in the community who have supported their BVE application or are willing to support them while living in the community on a BVE.

In most cases a detainee granted a BVE is represented by a solicitor or migration agent. Those representatives would normally be advised of the BVE grant by the delegate who made the grant decision.

Departmental officials at detention centres advise detainees of the BVE grant and offer to facilitate telephone calls to detainee contacts in the community, including friends or family, to advise them of release dates and release times and to coordinate collection of the detainee if preferred. For privacy reasons, the Department does not generally advise such people directly.

Departmental officials at detention centres also book local motel accommodation and transport to other destinations for detainees released on BVEs.

Detainees granted a BVE are also able to contact family, friends, doctors and legal representatives through the payphones available at the detention centre.

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES: November 2004

#### IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

#### **(37) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig asked:

For the following terrorist suspects identified in the media, can the Department please confirm

(a) whether or not each is an Australian citizen, and if so how was it acquired

(b) whether or not each applied for Australian citizenship

(c) For those who are not Australian citizens, advise a) whether or not each has visited Australia b) whether or not it was under a real or assumed name, c) what class of visa they were granted d) date visa was granted.

Faheem Lodhi

Izhar ul-Haque

Bilal Khazal

Zeky Mallah

Jack Roche

Willy Brigitte

Azahari Husin

Mukhtur Moxhamed Sayid

Saleh Jamal

Omar Abdi Mohamed

Bilal Kazal

Sheik Mohammed Omran

Murat Ofkeli

Mamdouh Habib

Abu Bakar Bashir

Riduan Isamuddin aka Hambali

Ahmad al Joufi

Mohammed Afroz

Abu Suhaib (deceased)

*Answer:*

Australia has strict privacy laws which limit the disclosure of information held on individuals by the Department of Immigration and Multicultural and Indigenous Affairs. While the names of the persons Senator Ludwig has enquired about are in the public domain, the status of the individuals' citizenship, visa, and movements into and out of Australia is personal information.

As replies to questions on notice are a matter of public record, providing an answer to the question asked by Senator Ludwig would amount to a breach of the Department's obligations under the Privacy Act.

If Senator Ludwig was to obtain the permission of the persons in question to have such information released, I would be happy to arrange a private briefing for this purpose.



## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES: November 2004

#### IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

#### (38) Output 1.3: Enforcement of Immigration Law

Senator Ludwig asked:

For each of the following financial years, please specify in how many instances foreign citizens have been caught working illegally, (a) whether they were caught at the place of illegal work, (b) how many employers have been charged with employing illegal workers and (c) how many convicted. i) 1995-96, ii) 1996-97, iii) 1997-98, iv) 1999-00, v) 2000-01, vi) 2001-02, vii) 2002-03, viii) 2003-04.

*Answer:*

(a) Data for financial years 1996-97 to 2001-02 is not readily available.

2003-04	3405
2002-03	3237

Note that the data is from DIMIA systems where illegal work has been recorded against an individual. While these numbers may appear low in comparison to the total number of persons located, significant numbers of overstayers located may also be working illegally but may not be so recorded because, for example, they have not admitted to illegal work or were not located in the workplace.

(b) & (c) There are no specific offences contained in the Migration Act relating to the employment of illegal workers. Records relating to the investigation and conviction of employers employing illegal workers are available from July 2000 when a new recording system came into operation. DIMIA records that show since July 2000 one employer has been prosecuted for being knowingly concerned in people working in breach of their visa conditions.

In addition, as a result of same investigation, two co-offenders who were not employers were also convicted of the same offences.

New offences for employers of illegal workers are on the Government's legislative program.

DIMIA has introduced a number of initiatives to assist employers to check work rights including the Employer Work Rights Checking Information Line (1800 040 070), a free call centralised Employer Work Rights Fax-back Facility (1800 505 550) and a new internet based work rights checking service called Entitlements Verification Online (EVO).

Where an employer is found to employ an illegal worker an Illegal Worker Warning Notice (IWWN) is issued by DIMIA.

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### **(39) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig asked:

On what basis does the department decide whether or not to charge an employer?

*Answer:*

Where DIMIA investigations identify evidence of offences committed by employers in relation to illegal workers a brief of evidence, with recommended charges, may be prepared and forwarded for the consideration of the Commonwealth Director of Public Prosecutions (CDPP).

The CDPP has responsibility for determining any charges that might arise as a result. The CDPP is guided by the Prosecutions Policy of the Commonwealth.

There are no specific offences contained in the *Migration Act 1958* relating to the employment of illegal workers. In appropriate cases, a prosecution could be initiated against an employer for offences under s11.2 of the *Commonwealth Criminal Code Act 1995* (extension of criminal responsibility), at the discretion of the CDPP.

New offences for employers of illegal workers are on the Government's legislative program.

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### SUPPLEMENTARY BUDGET ESTIMATES: November 2004

#### IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

#### (40) Output 1.3: Enforcement of Immigration Law

Senator Ludwig asked:

(a) Is the Department aware of any entrants to Australia who are persons of interest in relation to war crimes in the Former Yugoslavia, including Bosnia, Croatia, Macedonia, Slovenia, Serbia, Montenegro, FYRO Macedonia and the autonomous Kosovo region? What year did these entries occur?

(b) How many of these entries occurred each year?

(c) For each case, what nationality was the passport holder?

(d) What specific action was taken in each case with regard to (i) deportation (ii) notification and or reporting to the UN War Crimes Tribunal?

*Answer:*

(a)–(c)

Details are set out below of persons entering Australia where subsequent information indicated that they were of interest in relation to war crimes in the Former Yugoslavia

		Year				
No. of Entrants	Year	1994	1998	2000	2001	2002
	Bosnian	1		2	1	
	Croatian		1	5	2	1
	Total	1	1	7	3	1

(d)

(i) No deportations have yet taken place. The visa of one Croatian national has been cancelled. Three Croatian and three Bosnian nationals have been issued a Notice of Intention to Consider Cancellation. Five Croatian nationals and one Bosnian national are subject to Interpol notices and are being investigated.

(ii) Eight have been referred to the ICTY to determine whether it holds any further adverse information. One case was not referred to the ICTY as information was already available from the Tribunal regarding the person's activity during the conflict in the Former Yugoslavia. The remainder are being investigated with the possibility of referral to the ICTY as part of the usual processing of such cases.