

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(41) Output 1.3: Enforcement of Immigration Law

Senator Ludwig asked:

- (a) Is the Department aware of any departee from 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?
- (b) What year did these departures occur?
- (c) How many of these departures occurred each year?
- (d) For each case, what nationality was the passport holder?
- (e) 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) No.

(b) - (e) Not applicable.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(42) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

Deportation of asylum seekers from Australia.

- (a) (i) What companies are contracted to perform deportations from Australia?
- (ii) How are these companies chosen?
- (iii) What steps does the department take to ensure that these companies do not infringe human rights or international laws?
- (b) What airlines are used for deportations? How are these airlines chosen?
- (c) Does the department use charter flights for deportations? If so, how much did this cost in the 2003-2004 financial year?

Answer:

- (a)(i) The Department uses a range of different providers for removal of non-citizens from Australia on a case by case basis, according to the needs of each removal. These needs are influenced by such factors as the available routes to the destination country, the level of cooperation of the removee and the expertise of the provider.

Providers engaged by the Department to effect removals in the past include GSL (Australia) Pty Ltd, ACM Pty Ltd, Snyman and Migliore International Pty Ltd, International Security and Medical Escorts Pty Ltd and various airline security staff. The Department also utilises state and territory police and correctional services officers.

- (ii) GSL (Australia) Pty Ltd is the Department's detention services provider and was selected through a tender process. Other providers are chosen based on the needs of each escort and a value for money assessment.

- (iii) GSL (Australia) Pty Ltd, and the former detention services provider ACM Pty Ltd, are covered by the *Immigration Detention Standards* in force at the time. The Department also has agreements with other providers. These agreements set out the role and responsibilities of the escorts. On aircraft, escorts are required to act in accordance with international conventions relating to aircraft security.

- (b) A wide range of airlines are used for carrying removees. Airlines are selected on the basis of offering the most appropriate route, best value for money and seat availability.

- (c) The Department sometimes uses charter flights to facilitate the removal of unlawful non-citizens from Australia. For the 2003-2004 financial year this was at a cost of \$293,542.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(43) Output 1.3: Enforcement of immigration law

Senator Nettle asked:

Monitoring asylum seekers after deportation.

- (a)(i) What measures are taken to monitor the cases of those who have been deported?
 - (ii) For what period of time are deportees monitored?
 - (iii) Who performs this monitoring?
 - (iv) What was the total cost for such monitoring in the 2003-2004 financial year?
- (b) What action does the department take if monitoring provides information that the deportee is being persecuted after their return?

Answer:

The Australian Government takes seriously its obligation not to *refouler* refugees. Asylum seekers are not returned to their country of origin without having access to a robust process under which any claims for protection under the Refugees Convention can be assessed. The Australian Government respects the principles of state sovereignty and does not monitor citizens of other countries in their homeland. Australia is not responsible for the future wellbeing of people in their homeland because at some stage they spent time in Australia.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(44) Output 1.3: Enforcement of immigration law

Senator Nettle asked:

Methods used during deportations.

(a) Is chemical sedation used during deportations?

If so,

- (i) Who performs the sedation?
- (ii) Who gives medical approval for the sedation?
- (iii) Under what circumstances is approval granted?
- (iv) How often is it performed?
- (v) Is it performed against the deportees will?

(b) Is physical restraint used during deportations?

If so,

- (i) Who performs physical restraint?
- (ii) What methods are used?
- (iii) What guidelines are in place for physical restraint?
- (iv) Who ensures these guidelines are met?

Answer:

(a) The department's policy is to not use medication as a means of restraint. Any medication used by detainees is to be for medical reasons and is a matter between the individual and the medical practitioner.

(b) Sometimes. Removees will be physically restrained if they present a high security risk or behave in a way that threatens the safety of themselves and others.

Before a detainee is removed from Australia, the escort services provider will assess that person's previous and recent behaviour, propensity to attempt escape or to cause injury to themselves or others. If a detainee does not have an adverse risk assessment, the department's policy is that restraints should not be used.

(i) The escorting officers.

(ii) If physical restraint is required, escorting officers may use physical holds or instruments of restraint, such as flexicuffs, handcuffs and security belt (which allows a person's hands to be restrained at waist level).

(iii) The department's detention services provider, GSL (Australia) Pty Ltd, has an Operational Procedure detailing when it is reasonable to physically restrain detainees. Physical restraint is to be used in an appropriate and legal manner, for the minimum time necessary. GSL staff may only restrain removees if they have been trained in the techniques of control and restraint.

Escorts from other organisations (eg. airlines, state/territory police, correctional services and private contractors) are trained in the appropriate use of physical restraint by those organisations.

(iv) Under the *Detention Services Contract*, GSL is required to report 'use of force' to the department within specified timeframes. GSL management and the department scrutinise such reports to assess whether the use of force was appropriate.

Where escorts from other providers undertake the removal, they are generally required to report on any unusual circumstances that have arisen on an escort.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(45) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

Packing of the belongings of deportees

(a) Who packs a deportees belongings?

(b) How does the department ensure that there is nothing in the belongings that may be a cause for persecution of the deportee on arrival?

(c) Can a deportee request that items be removed before arrival?

Answer:

(a) It depends on the circumstances of the removal. A voluntary removee will usually pack their own belongings. An involuntary removee will sometimes be able to pack their belongings in their room, under the supervision of staff working for the detention services provider, GSL (Australia) Pty Ltd. At other times GSL staff will move the person's belongings from their room to the property office, where the person can sort and pack their belongings. In all cases removees are able to determine what belongings go with them. Removees can request belongings be discarded, given to other detainees, held for collection by family or friends or shipped to a domestic or overseas address (at the removee's expense).

(b) It is up to a removee to decide which belongings they wish to take with them upon departure from Australia.

(c) Yes.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(46) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

Arrangements on return

- (a) What arrangements are made to ensure deportees are met and have somewhere to go on arrival?
- (b) Who makes these arrangements?

Answer:

(a) If people to be removed request to telephone family or friends in their home country then this is facilitated wherever possible.

Sometimes the Department provides a removee with a small amount of cash to assist him or her upon arrival in their home country (for example, to cover the cost of several meals, provide a night's accommodation and possibly cover the cost of a bus or train ticket to the removee's final destination, if needed).

(b) With facilitation by the Department as noted above, removees usually organise their own arrangements for being met upon arrival in their home country.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(47) Output 1.5: Offshore Asylum Seeker Management

Senator Nettle asked:

Does the Australian government pay the International Organisation for Migration and/or the United Nations High Commission for Refugees to run an asylum seeker camp in Lombok, Indonesia?

If so,

- a) How much has this cost over the last three financial years?
- b) Who ensures that the asylum seekers there received a fair and proper hearing?
- c) What arrangements are made for people who are rejected as refugees in Lombok?
- d) Has the Australian government granted a protection visa to any of the people from the Lombok asylum seeker camp? If so, how many?

Answer:

The Australian government does not pay the International Organisation for Migration (IOM) and/or the United Nations High Commissioner for Refugees (UNHCR) to run an asylum seeker camp in Lombok, Indonesia.

The Department does not hold information regarding visa grants in Indonesia by locality. To 15 December 2004, the total number of Australian visa grants for refugees from Indonesia, including Lombok, under these arrangements is 250.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(48) Output 2.1: Settlement Services

Senator Ludwig asked:

What is the composition of the Refugee Resettlement Advisory Committee and what are the qualifications and experience of its members?

Answer:

The current membership of the Refugee Resettlement Advisory Council is as follows:

- Major General Warren Glenny AO RFD ED (Rtd) – Chair
- Mr Mohamed Abdi
- Dr Mohammed Alsalami
- Mr Paris Aristotle
- Ms Carmel Guerra
- Mr Kevin Liston
- Ms Jeannie Mok
- Ms Margaret Piper
- Ms Irene Ross

The qualifications and experience of these members is listed below.

Major General Warren Glenny AO RFD ED (Rtd)

Formerly General Manager of Coles Myer, and former Chief Executive Officer of AUSTCARE. Retired in 1994 as Major General commanding the Reserve 2nd Division. Awarded the Efficiency Decoration, and the Reserve Forces Decoration. He was awarded the Chief of Army's Commendation in 1994 and the Centenary Medal in 2003. Appointed an Officer of the Order of Australia in 1991. Member of the Immigration Detention Advisory Group since 2001 and Chair of the Refugee Resettlement Advisory Council since 1997.

Mr Mohamed Abdi

Community Resources Worker for the Queensland Department of Communities. Formerly a Counsellor for Kids Help Line and a Refugee Settlement Services Officer for the Red Cross. Worked as a Senior Project Co-ordinator and Acting Manager for the Christian Aid Program in Somalia, Ethiopia and Djibouti. Founder and Chairman of the Horn of Africa Community Association in Queensland.

Dr Mohammed Alsalami

Co-Founder and Life Member of Muslim Aid Australia and co-Establisher of The Organisation of Human Rights in Iraq. President of the Multicultural Eid Festival and Fair Consortium and member of the Alzahra Muslim Association. Member of the Immigration Detention Advisory Committee since 2001, and a recipient of the Centenary Medal.

Mr Paris Aristotle AM

Director of the Victorian Foundation for Survivors of Torture and part time Commissioner with the Victorian Law Reform Commission. Executive Member of the Forum of Australian Services for Survivors of Torture. Member in the Order of Australia and awarded the Centenary Medal for work in this field.

Ms Carmel Guerra

Director of the Centre for Multicultural Youth Issues, based in Melbourne and a member of various state and national committees. Co-edited *Ethnic Minority Youth in Australia* and was part of the research teams that produced *Ethnic Youth Gangs in Australia: Do they exist?* and the *Wealth of All Nations* report. Taught subjects relating to multicultural affairs and youth studies at RMIT and Swinburne Universities.

Mr Kevin Liston

Director, Australian Refugee Association, Vice-President, Refugee Council of Australia, Board Member, ARA Jobs (Job Network provider in South Australia). Member of the South Australian Settlement Planning Committee. Over twenty years active engagement in the planning, delivery and evaluation of settlement services for humanitarian program entrants.

Ms Jeannie Mok

Foundation Principal and Managing Director of the Asian Pacific Institute and Director (Volunteer) of the Multicultural Community Centre. Formerly lectured in the English Department of the University of Malaya. Member of a variety of government and community committees including the Multicultural Women's Advisory Committee to the Premier (Queensland). Awarded the Queensland Multicultural Service Award and the Centenary Medal.

Ms Margaret Piper

Executive Director of the Refugee Council of Australia. Board member of the Refugee Advice and Casework Service and the Asylum Seekers' Centre. Member of the AMEP Advisory Committee. Visiting Fellow at the Refugee Studies Centre at Oxford University in 2003. Participant in a number of international, national and state refugee fora.

Ms Irene Ross

Manager of Blacktown Migrant Resource Centre in Sydney, overseeing a range of centre based and outreach services targeting recently arrived migrants, humanitarian entrants and small and emerging communities. Formerly the Executive Officer of the Ethnic Communities Council of NSW. Member of a variety of government and community committees, including the Villawood Detention Centre Community Reference Committee and Refugee Review Tribunal Liaison Committee.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(49) Output 2.1: Settlement Services

Senator Ludwig asked:

Does the Refugee Resettlement Advisory Committee release reports on its activities? If yes, please provide current reports. If not, why not?

Answer:

The Refugee Resettlement Advisory Council (RRAC) releases reports on its activities at the conclusion of each Council term. The most recent Report on Activities is attached.

Refugee Resettlement Advisory Council

REPORT ON ACTIVITIES

Third Term

November 2001 – March 2004

TERMS OF REFERENCE

The **Refugee Resettlement Advisory Council** (RRAC) will advise the Minister for Citizenship and Multicultural Affairs on matters relating to the settlement of refugees, Humanitarian Program entrants and migrants. In particular RRAC will provide advice on:

- the appropriateness and adequacy of Commonwealth services, especially for refugees and Humanitarian Program entrants;
- priorities for attention within the National Integrated Settlement Strategy (NISS), with particular emphasis on improving coordination of service delivery for refugees and Humanitarian Program entrants; and
- community feedback on the implementation of Council recommendations and the evaluation of the effectiveness of such action.

MEMBERSHIP OF RRAC

The following people were members of RRAC during its third term:

Major General Warren Glenny AO RFD ED (Rtd) - Chair
Dr Mohammed Alsalami
Mr Paris Aristotle AM
Ms Maritsa Eftimiou
Ms Carmel Guerra
Mr Kevin Liston
Ms Margaret Piper
Mr Gerald Searle
Rev Eileen Thomson
Ms Michelle My Nguyen (November 2001 - September 2002)
Mrs Jeannie Mok (February 2003 – March 2004)

KEY AREAS OF ADVICE

This report has been structured around the three key areas on which RRAC provides advice to the Minister, as outlined above in the Council's terms of reference.

The appropriateness and adequacy of Commonwealth services, especially for refugees and Humanitarian Program entrants.

1. INTEGRATED HUMANITARIAN SETTLEMENT STRATEGY

During its third term, RRAC has continued to provide advice to the department on the delivery of the Integrated Humanitarian Settlement Strategy (IHSS) services, including the 'Community Support for Refugees' service under which volunteers provide entrants with friendship and social support and assist with the delivery of IHSS services.

Council also contributed to the development of the terms of reference and the subsequent evaluation of the IHSS. The department commissioned the evaluation in order to review the effectiveness of services provided under the IHSS. The final report of the *Evaluation of the Integrated Humanitarian Settlement Strategy* was published on 27 May 2003. Council also considered a separate evaluation of Australian Government funded torture and trauma support services provided by the *National Forum of Services for Survivors of Torture and Trauma* conducted jointly by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) and the Department of Health and Ageing.

Council's discussion with senior officials from the United Nations High Commissioner for Refugees and Councilors' own expert experience and background in humanitarian settlement led to considerable input to the development of information for the pre-embarkation cultural and orientation pilot program. The program was first piloted in September 2003 at the Kakuma refugee camp in Kenya and has since been expanded to other regions.

2. ADULT MIGRANT ENGLISH LANGUAGE PROGRAM

During its third term, RRAC provided input to the draft statement of requirements for the Adult Migrant English Program (AMEP) service delivery contracts. Council also provided advice on the department's research project, *Changing Patterns of AMEP Client Groups*, which aimed to assist AMEP teachers meet the needs of emerging groups of learners.

3. CROSS PORTFOLIO INVOLVEMENT

RRAC contributed to a number of cross portfolio issues relating to the settlement of migrants and humanitarian entrants. Council's major contribution was the advice it provided on the *Review of Settlement Services for Migrants and Humanitarians Entrants* (the review). The review contained 61 recommendations, which outlined improvements to DIMIA funded settlement services and other Australian Government Services. Council provided valuable advice on the structure and contents of the review report, including chapter six, which focused on mainstream Australian Government services. Council also met and discussed settlement issues with senior officials from the Department of the Prime Minister and Cabinet, which chaired a taskforce established to develop a whole-of-government approach to issues identified in the review that go beyond DIMIA's responsibilities.

Council also contributed to other cross portfolio issues by meeting with representatives from the departments of Family and Community Services, Employment and Workplace Relations and Centrelink to discuss cultural diversity issues in the context of the Australians Working Together program. In addition, Council met with the newly appointed chair of the Council of Multicultural Australia (CMA) to discuss the CMA's future focus. Council also contributed to an evaluation of the CMA conducted by the department in 2002.

Priorities for attention within the National Integrated Settlement Strategy, with particular emphasis on improving coordination of service delivery for refugees and Humanitarian Program Entrants.

4. ISSUES RELATING TO REFUGEE YOUTH

In recognition of the difficulties that young refugees face RRAC developed a *Strategy for Refugee Young People*. The aim of the strategy was to identify the challenges refugee young people face and ultimately deliver more responsive and integrated services for this group. The Council targeted the strategy at those that work closely with refugee young people to encourage them to incorporate the strategy in their service delivery and program activities.

Feedback suggests that the strategy has been constructive in ensuring the delivery of more responsive and integrated services by mainstream agencies to refugee youth.

During 2002, RRAC also contributed to the development of refugee youth web pages, which provide important information on issues affecting refugee youth. The pages are linked to the information on 'Beginning a new life in Australia' on the department's website.

5. SETTLEMENT PLANNING FOR RURAL AND REGIONAL AREAS

Council provided significant input to the department's discussion paper entitled *Supporting Settlement in Rural, Regional and Remote Australia*, which was released in June 2002. This paper was foreshadowed in the workplan and aimed to inform and generate productive discussion about rural and regional settlement planning strategies. The paper was circulated for comment to key government and community sector stakeholders with an interest in rural and regional issues.

Stakeholder response to the paper was extremely positive. The practical strategies within the document for improving settlement support in regional areas were well supported. Responses to the draft document were subsequently incorporated into the settlement services review.

Following the release of the settlement services review, Council has continued to provide advice and input on the review recommendation that the department seek further opportunities to settle humanitarian entrants in regional Australia and liaise more closely with relevant stakeholders regarding regional locations where employment opportunities exist and appropriate services and community support exist or may be developed.

Receiving community input on policies and programs affecting refugees, Humanitarian Program entrants and migrants

6. SERVICE PROVIDER SUPPORT

Council provided input into and feedback on the Community Grants National Training Strategy, including input to a key commitment of the strategy, the development of a training package to develop the skills of workers in community organisations funded by DIMIA. Council provided valuable input to all three modules of the training package.

Receiving community input on policies and programs affecting refugees, Humanitarian Program entrants and migrants cont.

7. CLIENT SATISFACTION SURVEY

During 2002 Council provided input and feedback on a pilot client survey, which sought feedback from clients, service providers and community stakeholders through discussion groups and other qualitative survey methods. The survey focused on DIMIA funded community settlement services provided by Migrant Resource Centres (MRCs), Migrant Service Agencies (MSAs) and community organisations funded under the Community Settlement Services Scheme (CSSS). The pilot survey provided a basis for considering future evaluation activity and informed matters encompassed by the settlement services review.

8. LIAISON

RRAC members continue to contribute to community understanding of the settlement issues faced by newly-arrived migrants and humanitarian entrants.

RRAC has promoted the work of the Council through the development and distribution of the Council's third term workplan and the Council's pamphlet.

THE REVIEW OF SETTLEMENT SERVICES FOR MIGRANTS AND HUMANITARIAN ENTRANTS

The *Review of Settlement Services for Migrants and Humanitarian Entrants* was announced by the Hon Gary Hardgrave MP on 8 August 2002. The review provided the department with an important opportunity to take stock of current arrangements and to look for scope to improve integration between DIMIA-funded settlement services and mainstream Australian Government services.

The RRAC, at the request of the Minister for Citizenship and Multicultural Affairs, agreed to act as an independent reference group for the review. At its September 2002 meeting Council provided input to the draft discussion paper and to the department's and Minister's process for community consultation. In October and November 2003 RRAC members attended the Minister's community consultations, which were held in each State and Territory.

Since the release of the review in May 2003, Council has continued to provide advice and input to review consultation processes and the implementation of review recommendations.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(50) Output 2.1: Settlement Services

Senator Ludwig asked:

What information is accessible via COLD?

Answer:

The Community Online Database (COLD) provides internet based access to the DIMIA's Settlement Database (SDB). The SDB provides users with aggregated statistical data on the number and characteristics of permanent settlers to Australia in a given geographical area. Available information includes Country of Birth, Gender, Year of Arrival, Age at Arrival, English Proficiency, Main Language Spoken, Religion, Ethnicity, and Years of Education.