

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 1 November 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

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

Senator Bartlett asked:

In all the current inquiries into DIMIA – the detention of a mentally ill Australian resident, the deportation of an Australian citizen and the possible unlawful detention of over 200 people referred to the Ombudsman, has the department done any investigation into the deportations of failed asylum seekers?

- (a) Either to review the cases for being rejected for protection or to review whether there were other conventions that should have halted deportation?
- (b) Or even if the deportation itself was conducted lawfully and safely?

Answer:

- (a) Australia does not return anybody who is found to be a refugee and asylum seekers are not returned if they have a real chance of facing persecution.

All cases where the Refugee Review Tribunal upholds the department's refusal decision are required to be assessed as a matter of course by the department against the Minister's intervention guidelines.

These guidelines take into consideration Australia's obligations under other international treaties to which Australia is a signatory including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CROC), and the International Covenant on Civil and Political Rights (ICCPR).

Where people found not to be refugees remain in Australia awaiting removal, the department closely monitors developments in their case in order to raise with the Minister any cases which may warrant a fresh assessment. In addition, arrangements are in place to assess any requests for intervention raised by or on behalf of a person being removed to identify and address any new factors which might warrant referral to the Minister for possible intervention.

- (b) The department takes seriously allegations of improper or unlawful conduct during a removal. If such allegations are raised the department will investigate them. If misconduct is evident then the department will pursue appropriate action against removal escorts and the removal escort provider.