

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 1 November 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(98) Output 1.3: Enforcement of Immigration Law

Senator Kirk asked:

The Refugee Advocacy Service of South Australia (RASSA) is unable to advertise their legal services to detainees in Baxter because DIMIA refuses to provide details to them of people detained. What reasons does DIMIA have for not allowing RASSA to advertise?

Answer:

If a detainee requests access to legal representation he or she will be provided with facilities for seeking advice, which may include materials such as a phone book or a list of legal representatives and/or migration agents in the local area. Information about government bodies such as the Ombudsman and the Human Rights and Equal Opportunity Commission (HREOC) is also provided to detainees.

Lawyers or migration agents are not permitted to advertise within Immigration Detention Facilities (IDFs). The reason for this is that DIMIA cannot be seen to be endorsing any particular lawyer or legal firm, or favouring any particular provider of legal services.

People in detention who seek a protection visa or a review by a merits review tribunal of a protection visa decision are offered publicly funded professional assistance with those processes through the Immigration Advice and Application Assistance Scheme (IAAAS). IAAAS assistance must be provided either by a Registered Migration Agent (RMA) or, in the case of Legal Aid Commission IAAAS providers, a person who is an "official" within the meaning of Section 275 of the Migration Act 1958. Individuals are not obliged to take up the offer of IAAAS assistance. They may choose privately funded alternatives and can change their privately funded representation.