

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 21 OCTOBER 2008

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

##### **(71) Output 1.4: Compliance**

Senator Hanson-Young asked:

I note that the Department's Budget portfolio statement states it will "work closely with the International Organization for Migration (IOM), with other international agencies and with partner countries to promote managed migration and strengthen international cooperative efforts against people smuggling, trafficking of persons and terrorism."

- (a) How much has been put aside to combat human trafficking in DIAC?
- (b) How many known victims of trafficking do we have in Australia at the present time?
- (c) How do we deal with such people when they actually become known? Do we keep them in detention? Do we deport them as urgently as possible?
- (d) Has the Government made a decision on whether to provide visas to people trafficked into Australia on the basis of their human rights and not on the basis of their willingness to assist with prosecutions?
- (e) I understand that victims of trafficking are allowed to remain in Australia for up to 30 days, to assist with investigations etc, does the Minister view the 30 day timeframe to be too short to enable victims to not only assist in investigations, but also apply for a visa?

*Answer:*

(a) In the 2007 Budget the Department of Immigration and Citizenship (DIAC) was allocated \$3.27 million over four years for two additional Senior Migration Compliance (Trafficking) (SMOC(T) positions to be located in Manila and the People's Republic of China. These two positions augment the existing SMOC(T) position that has been located in Thailand since December 2003.

These positions work within the Department's broader overseas compliance network and liaise regularly with our onshore compliance service delivery network as part of DIAC's efforts to combat trafficking in persons.

(b) The extent of the number of victims of trafficking in Australia is not known due to the clandestine nature of this crime. In the period 1 July 1999 to 30 June 2008, the Department of Immigration and Citizenship (DIAC) referred information relating to 248 suspected victims of trafficking to the Australian Federal Police for assessment. The threshold for referral is very low. Since the introduction of the People Trafficking Visa Framework on 1 January 2004 and 30 June 2008, 92 people have been granted

Bridging F visas, 58 people have been granted Criminal Justice Stay visas and 17 people were granted Witness Protection (Trafficking) (Temporary) visas.

(c) When the Department of Immigration and Citizenship identifies a suspected victim of trafficking, a referral is made to the Australian Federal Police (AFP). The threshold for referral is very low.

If the AFP assess that the person is a victim of trafficking they can support an application for a Bridging F visa (BVF). A BVF can be granted for up to 30 days. During the 30 day period the suspected victim can decide if they wish to continue to assist the AFP with an investigation and/or prosecution. The AFP can also assess whether they wish to pursue a Criminal Justice Stay visa (CJSV) to have the person remain in Australia.

Clients who hold a BVF or a CJSV as part of the People Trafficking Visa Framework receive assistance under the Victim Support Program for People Trafficking administered by the Office for Women.

The grant of CJSV can lead to the consideration of a Witness Protection (Trafficking) visa, temporary then permanent.

Where a suspected victim of people trafficking chooses not to assist law enforcement authorities, or decides to exit the People Trafficking Visa Framework, that person may apply for and be granted another visa, subject to satisfying the criteria for the visa. Where suspected victims choose to return to their home country, they may have access to reintegration assistance in the trafficking reintegration program.

The Department only detains a person as a last resort where they pose a risk to the community or are a repeat non complier with immigration laws.

(d) The Department of Immigration and Citizenship has conducted a review of the effectiveness of the People Trafficking Visa Framework and consulted with a number of peak non-government organisations. The views expressed by the organisations ranged from simplification including more flexibility of the visa framework, to de-linking visas from law enforcement activities.

A number of government agencies have also been consulted on the effectiveness of the visa framework, including on any impacts changes would have to law enforcement initiatives.

The range of views is under consideration by the Government.

(e) Outcomes from the review of the effectiveness of the People Trafficking Visa Framework are still being considered. However, the Minister for Immigration and Citizenship, Senator Chris Evans, has indicated that he believes there are opportunities to have a simpler and more flexible People Trafficking Visa Framework.