

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 15 October 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE12/0412) PROGRAM – 4.1: Visa Compliance and Status Resolution

Senator Cash (written) asked:

In relation to the case of S47 and the recent High Court Case, is it the case that this individual had been given a special purpose visa by Kevin Rudd's Government as a result of the special deal struck to have these people disembark the *Oceanic Viking*? Are there any others in this situation that will now be able to apply for a visa? How is the department managing those cases?

Answer:

The plaintiff in High Court Case M47/2012 is one of six individuals, including four adults and two children, rescued by the *ACV Oceanic Viking*, who were subsequently brought to Australia on Special Purpose visas. These individuals' visas ceased shortly after their arrival in Christmas Island, and they were subsequently detained.

Of the remaining clients brought to Australia from the *ACV Oceanic Viking*, the two children have applied for, and been granted, Protection visas. As at 30 September 2012, one of the remaining adults had lodged a Protection visa application, which is currently under consideration by the Department. The other two adults had not lodged Protection visa applications, but are eligible to do so.

The Protection visa application currently on hand, as well as any applications that may be lodged by the remaining adults, will be considered on their merits in a manner consistent with the High Court's decision.