

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 15 OCTOBER 2012

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(SE12/0628) PROGRAM – 4.3: Offshore Asylum Seeker Management**

Senator Cash (written) asked:

Christmas Island: Have any of the individuals involved in the riots in March 2011 been charged? Has anyone been convicted? Have any of them had their visas refused or cancelled on the basis of the general character provisions of the Act? Why not? Where are they now? Have any been released into the community? On what basis? Have any been removed from Australia?

*Answer:*

As advised in the department's previous response to BE12/0380, as of 15 October 2012:

- a) Yes, 22 persons were charged.
- b) Yes, seven persons were convicted.
- c) Yes. The Minister has refused the visa of one of the convicted persons.
- d) Of the seven persons convicted, two people have not been considered under the character provisions as they were found not to be refugees. One person is currently appealing their conviction and will be considered under the character provisions if their conviction is upheld. Three persons had their Protection visa applications considered under the character provisions, were issued a warning notice under s501 and were subsequently granted a Protection visa. One person had their Protection visa refused by the Minister under the character provisions.
- e) Of the seven persons convicted:
  - three are in the community having been granted a protection visa
  - one is in the community on a BVE
  - one is in community detention
  - one is in held detention
  - one has been removed from Australia.
- f) Yes, see e) above.

g) See e) above.

h) Yes, see e) above.