

Inquiry into the administration and operation of the Migration Act

Questions for the Department of Foreign Affairs and Trade

Senator Ludwig

1. In respect of Ms Vivian Solon, Ms Cornelia Rau, Mrs Valbona Kola, Mr Ergi Kola and the members of the Bakhtiari family:
 - (i) It is understood that, in the process of organising or planning for their removal from Australia, applications for travel documents or documents of identity were lodged that were not signed by each of the above or which stated that they were unable to sign. Is this correct? If so, why did they not sign the documents themselves?
 - (ii) It is understood that (a) each were able to sign earlier documents, forms or applications and that (b) copies of these signed documents, forms or applications are in the department's possession. Is this correct?
2. How many deportations and removals from Australia have been undertaken in the last five years where the application for travel documents or documents of identity was unsigned by the person being deported or removed? Please outline the reasons why in these cases the person did not sign the documents themselves (eg, illiterate, lack of capacity, other reason)?

The answers are as follows:

1. In regard to Ms Vivian Solon:
 - (i) No. There is no record of a travel document application for the purpose of Ms Solon's removal from Australia in 2001 being received by the Department (but see (ii) below).
 - (ii) Yes. An application for an Australian passport was lodged by Ms Solon on 11 November 2000. The Department's records indicate that the application was signed by her.

In regard to Ms Cornelia Rau:

- (i) No. There is no record of an application for a travel document in respect of Ms Rau being received by the Department.
- (ii) No. See above.

In regard to Mrs Valbona Kola and Mr Ergi Kola:

- (i) Yes. In accordance with a request by letter from DIMIA Adelaide, Certificates of Identity (COIs) were issued on 21 June 2004 to Valbona and Ergi Anton Kola. The applications were signed by the applicants. The

letter from DIMIA stated the travel documents were required to assist with the removal from Australia of the couple who had been granted bridging visas to permit them to remain temporarily in Australia on the basis that they departed the country as soon as possible.

On 24 November 2004, in accordance with a further written request from DIMIA Adelaide, COIs were issued to the same couple in the names of Venona Vata and Paulin Pali. At the time of the second request the Department was advised that DIMIA's inquiries had established that the genuine identities of the couple were Venona Vata and Paulin Pali, not Valbona and Ergi Anton Kola.

The application forms lodged in respect of the second set of travel documents (i.e. Vata and Pali), were not signed by the abovenamed. The travel documents were requested by DIMIA to facilitate the couple's required departure from Australia.

- (ii) (a) Yes. See above.
- (b) Yes. See above.

In regard to the members of the Bakhtiari family:

- (i) Yes. On 2 July 2003, a COI was issued to the head of the Bakhtiari family and on 28 July 2003, COIs were issued to the remaining six members of the family in accordance with a written request from DIMIA. The request stated that the adult members of the family had refused to complete applications for travel documents to enable the family's required departure from Australia. The application forms were not signed by the applicants. The documents were not used for the required departure of the family and were returned to the Department by DIMIA for cancellation on 18 January 2005.
- (ii) (a) No.
- (b) No.

2. The Department's records do not specifically identify cases where travel documents are issued for the purpose of removal from Australia or where application forms are not signed by the applicants for any reason. Signing of an application for an Australian travel document, including Certificates of Identity or other travel documents to non-Australian citizens, is a normal requirement for all applicants over 10 years of age. Cases where this requirement cannot be met for any reason are considered on their merits by the issuing passport office. In regard to travel documents issued to non-Australian citizens for the purpose of removal from Australia, a document could be issued in the absence of the applicant's signature in circumstances where the applicant was not available to sign, or in the case of involuntary removal, where a person refused to sign the application, provided the competent authority provided written confirmation of the identity of the person.