

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 28 May 2003

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(3) Output 1.1: Non-Humanitarian Entry and Stay

Senator Sherry (L&C 256) asked for figures on the impact of SARS on tourist visas.

Answer:

A number of countries within the region introduced measures to combat the spread of the disease. Generally these involved restricting the movement of travellers in and out of SARS-affected areas. The following is a breakdown of the impact of SARS on Visitor visa numbers in the main SARS affected areas.

THE PEOPLE'S REPUBLIC OF CHINA

In April 2003, the Chinese Government introduced travel bans to curb the spread of the virus. This action impacted negatively on visitor numbers, particularly in respect of Approved Destination Status scheme (ADS)/group leisure travel to Australia. (ADS travel from China currently accounts for 30% of travel from China to Australia). Up until the SARS outbreak the PRC had been the only market that had consistently shown growth in the number of Visitor visas granted each month compared to the same period in the previous year.

In the People's Republic of China (PRC), 8,867 Visitor visas were granted in March 2003 compared to 8,328 visas in March 2002. This represented a 6.6% increase in grants, the lowest increase recorded this year.

By April 2003, the number of visas granted across all Visitor visa subclasses for PRC nationals fell 44.8% (ie from 13,814 grants in April 2002 to 7,627 grants in April 2003). The decline was most pronounced for Tourist (Short Stay) visas (s/c 676 visas), which fell 53.6%. This was directly attributable to the decline in the number of ADS visa applications and grants.

In April 2003 there were only 761 ADS visas granted (with 911 arrivals) compared to 4,482 ADS grants (and 3,864 arrivals) in April 2002. This represents a drop of 83% for the month and brought the YTD variance as at 30 April 2003 to -0.83%. The previous month there had been 1,706 ADS visas granted which was an increase on 2.4% compared with March 2002.

Restriction of movements and quarantining of people from affected areas are two key strategies for Chinese authorities at national and local levels as they endeavour to arrest the spread of SARS and reduce levels of local and international concern.

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(4) Output 1.1: Non-Humanitarian Entry and Stay

Senator Sherry (L&C 264) asked:

In relation to Mr Oagile Malothane, what supporting documents were included in the application?

Answer:

Three supporting documents were attached to Mr Oagile Stephen Malothane's 456 Short-Stay Business visa Application lodged at the Australian High Commission in Pretoria:

- A copy of a letter from a South African company, Zemeris Investments, to BGA Projects Pty Ltd of South Australia. This letter stated that they were concerned that their products had failed to satisfy, and that they would dispatch an engineer as soon as possible. The engineer was to rectify the problems being experienced and train staff to use the equipment BGA projects had purchased from Zemeris Investments.
- A copy of another letter from Zemeris Investments to whomever it concerned, explaining the reasons behind Mr Malothane's application and guaranteeing to purchase air tickets for his travel. This letter also refers to a letter of reference from ABSA Bank Limited establishing Zemeris Investments' financial bona-fides.
- A copy of a letter from ABSA bank limited, confirming the financial standing of their customer, Zemeris Investments.

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(5) Output 1.1: Non-Humanitarian Entry and Stay

Senator Sherry (L&C 264/268) asked:

In relation to Mr Oagile Malothane:

Is this a business still in operation despite the death of the proprietor?

Answer:

On 20 June 2003, The Australian Securities Investments Commission Website lists BGA Projects of Adelaide, South Australia as a registered company.

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(6) Output 1.1: Non-Humanitarian Entry and Stay

Senator Sherry (L&C 268-269) asked:

In relation to people entering legally then subsequently breaching their conditions, provide a copy of the material that gives an indication of what stands out in terms of nationality?

Answer:

The *Migration Act 1958* provides that non-citizens found to have breached conditions of their visa are liable to visa cancellation. Each case is decided on its individual merits and a variety of factors are considered before a final decision is reached.

The attached table shows the top 10 nationalities of non-citizens who have had their visa cancelled in the last two complete program years ie 2000-01 and 2001-02. Figures for the current program year are not yet available.

Table 7.12			
Top 10 Countries or Territories of Citizenship for Cancelled Visas			
Country/Territory	Total for 2000-01	Country/Territory	Total for 2001-02
India	765	United Kingdom	1220
Korea, Republic of Sth	724	Indonesia	1175
Indonesia	671	China, Peoples Republic	1163
Malaysia	532	Korea, Republic of Sth	1078
China, Peoples Republic	485	India	959
United Kingdom	426	HKSAR of the PRC	797
HKSAR of the PRC	391	Malaysia	761
Thailand	369	Japan	686
Japan	287	United States of America	666
Singapore	268	Thailand	610
Source: ICSE, DIMIA			

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(7) Output 1.1: Non-Humanitarian Entry and Stay

Senator Bartlett (L&C 271) asked, "How many applications for permanent residence under the domestic violence provisions were unsuccessful?"

Answer:

Number of permanent residence applications involving domestic violence claims refused during 2001-02 Program Year;	13
In the 2002-03 program year to 31 May 2003	8

Applications that were finalised during the 2001-02 and 2002-03 Program Years were not necessarily those that were lodged in that year and may have been lodged in a previous year.

Applications may be refused on criteria other than the domestic violence claim.

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(08) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Kirk (L&C 261) asked:

How many files that may contain issues of security concern or other information of interest have been referred to ASIO?

Answer:

Cases are referred to ASIO in the normal course of visa processing where they meet criteria supplied by ASIO. Cases are also referred in response to ASIO requests. In addition, following the Bali bombing, DIMIA, in consultation with ASIO, commenced a search of its file holdings to identify any protection visa files containing references to organisations of possible interest. As a result of this work, to 30 June 2003, 70 files have been referred to ASIO. The Department will continue to refer files as necessary.

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(9) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Kirk (L&C 281) asked for a breakdown of the countries TPV holders are from.

Answer:

The recorded nationality of all TPVs granted to date is as follows:

Afghanistan	3652
Albania	8
Algeria	9
Angola	1
Bahrain	2
Bulgaria	1
Burma	11
Burundi	2
China	1
China (PRC)	4
Congo	5
Cote D'Ivoire	1
Egypt	7
Eritrea	1
Greece	1
India	2
Iran	426
Iraq	4221
Jordan	4
Korea	4
Kuwait	12
Kyrgyzstan	1
Lebanon	3
Liberia	1
Morocco	1
Nigeria	1
Pakistan	28
Palestine	102
Philippines	2
Russia	4
Rwanda	2
Saudi Arabia	4
Sierra Leone	2

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(10) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Sherry (L&C 365) asked, "How many times has the Minister, Mr Ruddock, exercised his section 417 discretion where he has rejected an application once, then subsequently approved it? How many times has the Minister, Mr Ruddock, exercised his section 417 discretion where he has rejected an application twice, then subsequently approved it?"

Answer:

Preliminary analysis through manual interrogation of Departmental electronic records dating back to 1 July 2000 indicates that from that date to 30 April 2003, the Minister has exercised his s417 discretion in respect of:

- 191 cases where he had previously declined to exercise or consider the exercise of his power on one occasion;
- 19 cases where he had previously declined to exercise or consider the exercise of his power on two occasions.

Reliable data on this matter predating 1 July 2000 is not currently available.

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(11) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Kirk (L&C 366) asked, "What is the average waiting time for the Minister to take a decision under section 417 when such a request is made?"

Answer:

The Minister's Section 417 powers are non-compellable and discretionary. He is under no obligation to consider using these powers in a particular case. There is no limit to the number of times an individual can request intervention or to the time frame within which individuals can make such requests. As a result, it is not possible to provide average times for possible Section 417 consideration.

As a general process however, in all cases where the RRT affirms a decision to refuse, Protection Visa applicants are automatically assessed against guidelines issued by the Minister for possible referral to his attention.

The overwhelming majority of automatic assessments against guidelines are assessed within 28 days of receipt of the decision by the RRT.

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(12) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Kirk (L&C 367) asked:

In relation to the East Timorese, how many children are involved and what are their ages?

Answer:

As at the end of June 2003, 237 East Timorese children below 18 years old have received RRT decisions and are being processed under section 417 of the *Migration Act* for possible Ministerial Intervention in the public interest.

A breakdown for these children according to their age groups is:

- 16% of these children are at preschool age (0-5 years old),
- 31% of them are at primary school age (6-11 years old), and
- 53% are at secondary school age (12-17 years old).

As at the end of June 2003, the protection visa applications of a further 184 East Timorese children have yet to be finally determined by the RRT. A breakdown for the children according to their age groups is:

- 27% of these children are at preschool age (0-5 years old),
- 31% of them are at primary school age (6-11 years old), and
- 42% are at secondary school age (12-17 years old).

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(13) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Sherry asked:

It has been reported that some of a group of Mandaean Christians involved with SIEV X (disembarking prior to sinking) are now in Australia. Can you advise whether this is the case?

Answer:

In response to question no. 121 asked by Senator Collins at the Additional Estimates hearing on 10 February 2003, the Australian Federal Police provided the Senate Legal and Constitutional Legislation Committee with a list of people who disembarked the SIEV X some five kilometres from the point of departure. Of the 23 people on that list, one was resettled in Australia in June 2002 as a refugee with a relative in Australia, and another eight are under consideration on the same basis. All of the nine have declared themselves to be Mandaeans.

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(14) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Harradine asked:

I refer to the massacre of Mandaeans in Iraq following the collapse of the Saddam Hussein regime.

- (a) How many members of these groups have applied for asylum in Australia in the last year?
- (b) How many have been successful?
- (c) What is the current status of Mandaeans, Christians and other minorities in Australia at present – ie is there a stay on deportation to Iraq for such minorities in light of the possibility of death or other human rights violations on return?

Answer:

(a) & (b) Ethnicity and religion are not mandatory reporting fields in DIMIA electronic reporting systems. However, in the eleven months to 31 May 2003 there were 88 Protection Visa applications from Iraqi nationals made in Australia. Of these, 51 have been successful up to 31 May 2003.

(c) As at 30 June 2003 there are no involuntary returns to Iraq. Iraqi nationals who elect to return to Iraq do so voluntarily.