

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 28 May 2003

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(15) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 257) asked for the number of intercepts at each post by each ALO.

Answer.

The number of interceptions of Australia bound passengers at each ALO location is shown in the attached table. ALOs work closely with airline staff at major overseas airports to intercept and prevent the travel to Australia of potentially inadmissible passengers. Airline officials take decisions on whether or not to allow passengers to board their intended flight. ALOs hold no decision-making powers but provide advice to airline officials regarding the authenticity of passengers' travel documents.

In addition, ALOs provide document fraud detection training to airlines and, specifically, training on how to identify passengers whose passport and/or visa are inadequate for travel to Australia. (Statistics collected by airlines regarding decisions to decline boarding as a result of that training are not available).

It should be noted that the presence of ALOs at last ports of embarkation for travel to Australia deters the activities of people smugglers.

ALOs also cover certain flights which are not directly Australia bound. This strategy was implemented to allow the interception by ALOs of passengers with inappropriate travel documents for Australia who may seek to travel to Australia by more circuitous travel routes. These interceptions are often conducted by or with partner countries such as Canada, Singapore, the United Kingdom and Malaysia and the total of such interceptions is also shown in the attached table.

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(16) Output 1.3: Enforcement of Immigration Law

Senator Jacinta Collins (L&C 258) asked whether DIMIA provided to PM&C any information that would have led an officer of PM&C to the conclusion that the SIEV X sank in Indonesian waters as described in that brief to the Prime Minister.

Answer:

DIMIA reporting in DIMIA Intelligence Note 83/2001 of Tuesday 23 October 2001 reflected Coastwatch advice that the estimated position of SIEV X at the time of sinking on 19 October 2001 was "approximately 60NM south of the Sunda Strait". Other than reporting the advised approximate location, DIMIA did not provide an assessment as to whether the vessel had sunk in Indonesian waters and there was no subsequent DIMIA reporting.

This DIMIA Intelligence Note 83/2001 was distributed to PM&C.

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(17) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 263) asked for the port of embarkation for the two Indonesian nationals referred to in *The Australian* on 22 and 23 May 2003.

Answer:

DIMIA records show that both indicated on their Incoming Passenger Cards that they boarded their flights to Australia in Indonesia. Airline records indicate that one boarded in Denpasar but there is conflicting information regarding the other as the airline has advised that the flight travelled from Narita, Japan.

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(18) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 266) asked:

What proportion of people on BVEs do not leave the country?

Answer:

Bridging E visas (BVEs) are granted for a variety of different reasons including to provide lawful status to otherwise unlawful non-citizens who intend to depart Australia voluntarily at their own cost. Other reasons for the grant of a Bridging E visa include where the non-citizen is intending to make or has already made an application for a substantive visa, where the non-citizen has applied for merits or judicial review of a departmental decision and where the non-citizen has sought the exercise of the Ministers power to substitute a more favourable decision.

Statistics on the number of non-citizens who fail to depart after being granted a BVE on departure arrangements are not currently available. The Department is continuing its efforts to extract this information. The experience in the field suggests that the majority of non-citizens granted BVEs on departure arrangements depart within an acceptable period.

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(19) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 274) asked:

In relation to temporary residents transferring their superannuation back to their country of origin, when was the issue about putting the superannuation question on the outgoing passenger card raised and when will the new outgoing passenger cards be printed?

Answer:

The issue of putting the superannuation question on the back of the outgoing passenger card was first raised in early 2003.

The new outgoing passenger cards will be printed in June 2003 and are expected to be distributed for use in July 2003.

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(20) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 275) asked:

How many cards will you have to write off as a result of the new question?

Answer:

It is expected that only a minimal number of cards will need to be written off as a result of the new superannuation question on the outgoing passenger card. This is because the revised format is being introduced in the normal forms replenishment cycle for airlines and other major issuers of cards.

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(21) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 275) asked:

How many other questions are on the card?

Answer:

There are ten questions on the outgoing passenger card in addition to the superannuation question.

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(22) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 276) asked:

What proportion of people would provide the superannuation information on the card?

Answer:

There is no basis for estimating this proportion.

In 2001-02 some 431,000 temporary residents departed Australia. Not all of these would be eligible for the Departing Australia Superannuation Payment (DASP).

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(23) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 278) asked:

In relation to student visa cancellations, how many are subject to appeal?

Answer:

The table below shows the number of applications for review of student visa cancellations lodged with the Migration Review Tribunal over the past three program years.

Student Visa Cancellations - Applications for review lodged with the Migration Review Tribunal (MRT)	
Year	Number
2000-01	335
2001-02	740
2002-03*	668

* To end of March 2003

Source: Special Residence Section

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(24) Output 1.3: Enforcement of Immigration Law

Senator Ray (L&C 292) asked:

In relation to the Christmas Island detention centre, what was the last estimated cost before the government decision to terminate this, move it over to DOFA and restructure the whole project – in other words, the last figure you have when it was a 1,200-person institution with a 40-week construction timetable et cetera.

Answer:

The last estimated construction cost for a 1,200-person facility with a 40-week construction timetable was \$347,769,102 (Builder's Estimate). This estimate, which does not include the capital cost of associated infrastructure, was submitted by the then prime contractor (Walter Construction Group) on 29 July 2002 and triggered the preparation of a number of options intended to reduce the cost estimate through the extension of the project delivery time and/or through project scope reductions.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(25) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 296) asked:

In relation to sex workers, in the cases for the last year, have any of the women in those circumstances had legal advice?

Answer:

The Department does not maintain records about whether legal advice has been sought by persons who are detained and would not, in any case, always know.

However, the Department does have in place procedures to ensure that individuals are aware of their rights to contact legal representatives. People located working unlawfully, who are subsequently detained, are advised by the Department of their right to obtain legal advice or consular assistance in accordance with Section 256 of the *Migration Act 1958*. This is reflected in DIMIA policy in Migration Series Instruction (MSI) 234 that states (at paragraph 10.2):

"As a matter of policy, each detainee should be informed as soon as practicable of their entitlement to seek legal advice, except those detainees referred to in s 193(1) of the Act."

When initially detained people are provided with a notice that advises them that while they are in detention, they can contact a lawyer and their country's consular representative in Australia.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(26) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 296) asked:

In relation to sex trafficking, have any matters been referred to the AFP that involve Australian citizens or permanent residents?

Answer:

Of the 16 matters relating to people trafficking referred to the Australian Federal Police (AFP) as at 12 June 2003, 7 matters are known to involve Australian citizens.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(27) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 297) asked:

In relation to sex trafficking, are you aware if there are any situations where one individual has been identified as having been involved with more than one woman found?

Answer:

Of the 16 matters relating to people trafficking referred to the AFP as at 12 June 2003, 2 cases are linked to one migration agent and another 2 alleged offenders have cases involving links.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(28) Output 1.3: Enforcement of Immigration Law

Senator Payne (L&C 300) asked:

In relation to the composition of officers that participate in the interviews of sex workers, what approach do state police forces take?

Answer:

The Australian Federal Police (AFP) provided the following answer:

The AFP is aware that the New South Wales Police approach is to include suitably qualified female officers in the interview team.

The AFP is unaware of the practice followed by other state jurisdictions.

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(29) Output 1.3: Enforcement of Immigration Law

Senator Allison (L&C 301) asked, in relation to people trafficking, for a copy of the Department's service agreement with the Australian Federal Police.

Answer:

A copy of the Department of Immigration and Multicultural and Indigenous Affairs service agreement with the Australian Federal Police is at Attachment A. An updated contact list is at Attachment B.

**SERVICE AGREEMENT BETWEEN THE AUSTRALIAN FEDERAL POLICE
AND THE DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AND
INDIGENOUS AFFAIRS FOR THE INVESTIGATION OF POSSIBLE OFFENCES
AGAINST THE CRIMES ACT 1914, THE CRIMINAL CODE ACT 1995, THE
AUSTRALIAN CITIZENSHIP ACT 1948 AND THE MIGRATION ACT 1958**

Objective

This Service Agreement provides a framework for cooperation between the Australian Federal Police (AFP) and the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). Together with its annexures, it provides a statement of the services to be provided to DIMIA by the AFP and the commitment required from both agencies to ensure that these can be provided to the agreed level.

The Agreement is not intended to create legally binding obligations on either party.

Term of the Agreement

This Agreement will take effect from the date of signing and shall remain in place for two years unless otherwise amended in accordance with this Agreement.

Scope

This Agreement should be read in conjunction with, and is subject to the requirements of, Government policy and legislation, including Government assessments of international, political, strategic and economic issues of national significance. This includes the draft Commonwealth *Fraud Control Guidelines* and the AFP Supplementary Ministerial Direction of 27 September 2000, which notes the AFP's responsibilities regarding countering and otherwise investigating organised people smuggling.

Services to be provided

The services to be provided by the AFP to DIMIA under this Agreement are detailed at Annexure A.

Agency responsibilities and performance indicators

The specific responsibilities and performance standards applying to the AFP and DIMIA under this Agreement are detailed at Annexure A.

The performance indicators shown at Annexure A may be changed by mutual agreement as performance measurement in the AFP is enhanced.

As a minimum, with reference to the referral to the AFP, and investigation by the AFP, of possible offences against the *Crimes Act 1914*, the *Criminal Code Act 1995*, the *Australian Citizenship Act 1948* and the *Migration Act 1958*, DIMIA and the AFP will comply with the requirements of the draft Commonwealth *Fraud Control Guidelines*, and the AFP's Case Categorisation and Prioritisation Model (CCPM) at Annexure D.

Neither party to the Agreement shall be required to honour these service commitments in the event of major and unforeseen demands on their resources. If either party is required to vary services or performance standards, the Chief Executive of the agency will advise the Chief Executive of the other agency in writing, as soon as possible of the reasons for those changes.

ANNEXURE B

**SERVICE AGREEMENT BETWEEN THE AFP AND DIMIA
CONTACT OFFICERS**

AFP

DIMIA

Service delivery matters

F/A Mike Phelan
Director, Outcome Service Delivery
Telephone: (02) 6275 7343

Richelle Spradau
A/g Coordinator, Client Service Team
Telephone: (02) 6275 7099

F/A Kenton Turner
A/g Coordinator, National Operations Monitoring Centre
Outcome Service Delivery
Telephone: (02) 6275 7586

Intelligence matters

F/A Dick Moses
Director, Intelligence
Telephone: (02) 6275 7645

Criminal history matters

Criminal Records Client Liaison Officer
Canberra
F/A Graham Leary
Telephone: (02) 6287 0742

Ms Janette Haughton
Assistant Secretary,
Border Protection Branch
Telephone: (02) 6264 4327

Mr Richard Konarski
Director, Fraud Control Section
Telephone: (02) 6264 2985