



THE HON JASON WOOD MP
ASSISTANT MINISTER FOR CUSTOMS, COMMUNITY SAFETY AND
MULTICULTURAL AFFAIRS

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Mayor David O'Loughlin
President
Australian Local Government Association
8 Geils Court
DEAKIN ACT 2600

Dear Mayor

Thank you for your correspondence of 21 August 2020 concerning motions from councils relating to immigration, citizenship, migrant services and multicultural affairs. The Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon Alan Tudge MP, has asked that I respond on his behalf.

In regard to motion 101, Australia is committed to its international obligations set out in the *1951 Convention Relating to the Status of Refugees* and its 1967 Protocol and other international human rights conventions to which it is a party. Australia does not return individuals to situations where they face persecution or a real risk of torture, cruel, inhuman or degrading treatment or punishment, arbitrary deprivation of life or the application of the death penalty.

Individuals who arrive lawfully in Australia seeking asylum, who are found to engage Australia's *non-refoulement* (non-return) obligations may be granted permanent protection, subject to fulfilling relevant visa criteria and the health, character and security requirements that apply to all Australian visas.

Unlawful arrivals are only eligible for temporary protection if they are found to engage Australia's protection obligations. This upholds the Australian Government's commitment to process and recognise the protection claims of people who have arrived illegally, while at the same time guaranteeing that people smugglers do not have a 'permanent Protection visa product' to sell.

Immigration detention is part of strong border control and supports the integrity of Australia's migration program. In Australia, immigration detention is administrative not punitive. It helps manage temporary entry and permanent migration programs.

A person who does not hold a valid visa is an unlawful non-citizen, and must be detained under the *Migration Act 1958* (the Act). Whether the person is placed in an immigration detention facility (IDF), or other arrangements are made, is determined using a risk-based approach. The safety of the Australian community is an important factor in this decision.

Under the Act, detention is not limited by a set timeframe; rather, it ends when the person is either granted a visa or is removed from Australia. The timeframe associated with either of these events is dependent upon a number of factors, including identity determination, developments in country information, and the complexity of processing due to individual circumstances relating to health, character or security matters. These assessments are completed as expeditiously as possible to facilitate the shortest possible timeframe for detaining people in IDFs.

Most unlawful non-citizens are released from immigration detention by being granted bridging visas that enable them to live in the community while they await a visa or review decision, or make arrangements to depart Australia. Individuals on a bridging visa with work rights, and who have the capacity to work, are expected to support themselves while their immigration status is being resolved.

Asylum seekers granted a bridging visa may also have access to a range of Government services. This includes Medicare and the public health system, education for school-aged children, assistance with finding employment (if they have work rights), and the Government's Status Resolution Support Services (SRSS) program, if eligible.

The SRSS Program provides support for certain non-citizens who are in the Australian community temporarily while their immigration status is being determined. SRSS provides short-term, tailored support to individuals who are unable to support themselves while they engage with the Department of Home Affairs to resolve their immigration status. Tiered services are provided to address barriers that may impede an individual's ability to resolve their immigration status – either the grant of a substantive visa or departure from Australia.

In regard to motion 104, the Commonwealth Coordinator General for Migrant Services was appointed in December 2019 within the Department to provide national leadership and drive better settlement outcomes for refugees and migrants with a focus on employment, English language acquisition and community integration. The Coordinator-General and her Office are building relationships and working closely with federal departments, state and territory governments, industry, the community sector and refugees and migrants and are working collaboratively with other Commonwealth Government agencies to develop a more rigorous approach to defining and measuring settlement outcomes for refugees, humanitarian entrants and other migrants with specific settlement assistance needs.

In regard to motion 107, the Government acknowledges the importance that local government councils play in hosting citizenship ceremonies on behalf of the Department. This longstanding arrangement is highly valued by the Government, as local government councils continue to be the most appropriate organisations to hold ceremonies and provide a formal, local welcome to their newest citizens.

While local government councils do not receive direct funding from the Department to conduct citizenship ceremonies, the Government (through the Department of Infrastructure, Transport, Regional Development and Communications) provides Financial Assistance Grants to local government under the *Local Government (Financial Assistance) Act 1995*.

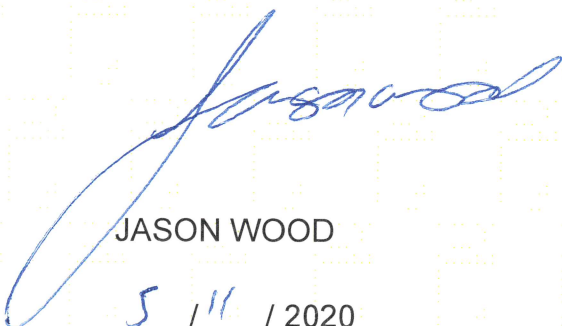
The grants are paid to state and territory governments according to population, for immediate distribution to local governing bodies. The grants are untied in the hands of local government, allowing councils to spend the grants in accordance with local priorities. Although citizenship legislation specifies certain mandatory requirements for the conduct of citizenship ceremonies, they are minimal in nature. The provision of gifts and social elements, such as music and refreshments, are at the discretion of each council.

The Department continues to work with local government councils in supporting the reduction of their on-hand caseloads. Due to the risks and restrictions associated with providing in-person ceremonies as a result of COVID-19, the Department implemented online ceremonies from 31 March 2020. This has resulted in a reduced number of approved applicants awaiting ceremony, from the peak of 97,966 people in the week ending 24 April 2020, to 22,403 people as at 31 August 2020, a reduction of 75,252 people (77 per cent). The ability for local government councils to ensure new citizens are conferred in a timely manner will be greatly assisted by this measure.

The Department's citizenship ceremonies teams in each jurisdiction undertake regular contact with local government councils, and have been working with councils to support their transition back to in-person ceremonies where COVIDSafe requirements can be met.

Thank you for raising these matters.

Yours sincerely



JASON WOOD

5 / 11 / 2020