



Australian Government
Department of Immigration and Citizenship

Address on
‘DIAC’s policy and program management for 2011 and beyond’

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Introduction

It’s a pleasure to speak to you today. Before I begin, I wish to acknowledge the traditional custodians of the land we are meeting on today, the Wurundjeri people. I wish to acknowledge and respect their continuing culture and the contribution they make to the life of this region. I would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today’s event.

I note that I am one of several people from the portfolio speaking at the conference. Most notably this includes our Minister, the Honourable Chris Bowen MP, and a number of senior officers who will give talks on a range of themes.

Today I will focus on some key issues in relation to our operational, structural, and policy agendas in 2011 and beyond. There are many things happening in many areas! So today, in particular, I would like to update you on the department's transformation, comment on aspects of the migration program and processing refugee claims from irregular maritime arrivals, discuss the complementary protection bill, and briefly comment on the Bali Process.

But before I do, I would like to emphasise the department's key role as a nation builder. As you are aware, we provide policy services to government, and visa, citizenship and settlement services to millions of clients. Our programs have direct impact on the nation's economic, social, and national security policies. In some way, the work of the department directly touches over half of the population as nearly one in two of our population was either born overseas, or had a parent who was born overseas. Further, it could be argued that we have an impact on every Australian's life through our interest and work in Australia's future workforce needs, and our future population.

I am sure that you are all conscious of how the department interacts with millions of clients, millions of people, every year. Just today, Friday 11 March, we will grant more than 18 000 visas, over 230 people will be granted citizenship, our contact centres will answer more than 7500 telephone calls, our client service counters will manage around 4500 client enquiries, and over 70 000 persons will cross our border. My challenge, as Secretary, is to ensure that all our clients are provided with good services and treated in a fair and reasonable manner, while ensuring that the integrity of our programs is not compromised and that Australia's laws and policies are properly administered.

Today, I would like to focus on issues that span across the broad range of services the department provides. These are our transformation strategy, the portfolio's policy reform and program management agenda, and our engagement in the region through bodies such as the Bali Process.

DIAC's Transformation – the transition to a world class migration, visa and citizenship service

In my presentation at this conference last year I outlined the department's transformation agenda. I noted that the case for the transformation was urgent and compelling, with many forces reshaping the way government services are designed and delivered.

The transformation's starting point is that we must ensure that the department was prepared for emerging challenges, particularly with regard to integrity and security, and have in place adequate risk mitigation strategies. The multi-year strategy will deliver globally integrated and enhanced services to our clients, maintain and enhance the integrity of migration programs, and contribute to Australia's economic growth and prosperity.

Parallel to this, our visa and business services policies are undergoing significant reviews. For example, we are undertaking a significant amount of work in relation to visa simplification. In December 2010, the department released a discussion paper implementing a simpler framework for temporary residence work visas, and in coming months we plan to release a second discussion paper regarding simplification of visitor visas.

A significant enabler for our transformation is new technology. The ever-increasing use of online service delivery allows government to engage people more directly than ever. The new form of client engagement through social media provides a further layer of accountability for government service delivery, new insights into the behaviour of clients, and also informs decision making to underpin more timely evidence-based policy making.

In the past 12 months, we have made enormous progress in our Client Services Transformation Strategy.

We have put in place a new organisational architecture to support this. Significantly, this includes our move to a global operation structure for managing our major visa caseloads and client service activities. This includes thirteen global managers situated in various departmental offices across Australia, each responsible for the end-to-end accountability of a global business line.

The transformation involves every aspect of the department's client service continuum, and has many benefits including:

- the provision of faster and more effective services
- improved consistency of decision making, information management, and greater integrity within our programs, and
- easier to use client products and interfaces.

To give further context to the far reaching nature of the transformation, I would like to discuss four major initiatives underpinning the strategy.

Firstly, there is the department's focus on service centres as a core client service delivery mechanism. This will provide more efficient and effective service to the department's clients via phone and online channels. To support this, the department has appointed a Global Manager Client Service.

Further to this, a significant improvement slated for the coming year includes the implementation of phone lodgement of Resident Return Visas to compliment existing online lodgement systems. This initiative will contribute to a greater ease of lodgement for our clients, and improved efficiency in delivering services. It will also pave the way forward on this type of lodgement.

A second major initiative is the expansion of our service delivery partner network to provide a wider range of services in more locations, onshore and offshore, at a lower cost.

To support this, the department has fostered relationships with overseas immigration departments to develop an expanded service delivery partner network.

One example of this is that we are working closely with countries such as the United Kingdom to enable the collection of biometric data for high risk areas, and to develop common approaches to identity fraud, document fraud and security concerns. By the end of 2010, the department had rolled out biometric collection points at 12 Visa Application Centres in nine countries. This pilot program paves the way for future collection points across other offices.

The third initiative I would like to discuss has been to focus on our *placement of work strategy*, including increasing the department's ability to receipt and allocate work electronically. This will give the department greater flexibility and allow better utilisation of our operational network to manage the processing of visa applications globally, through fluctuations in demand.

Ultimately this will allow timely decisions about where work could most appropriately be routed to across the global network, determined by factors including capacity, skill levels, proximity to clients and local knowledge.

Lastly, the department's eBusiness initiatives have expanded considerably and underpin a range of departmental initiatives, and a Global Manager eBusiness was appointed in May last year. The department has made considerable improvements to key eBusiness channels such as the eVisa application system, and our departmental website and other online self service systems. Further the eBusiness strategy will considerably increase the rate of client self service and electronic lodgement over the next 12 to 24 months.

As I have stated, the transformation is a long term strategy; however we are already seeing positive results from the work undertaken so far. For example, the department has, for some time, conducted client attitudinal research. The results of these tests have consistently shown a high degree of client satisfaction from our services, with the two most recent surveys showing between 80 per cent and 84 per cent satisfaction from our products and services. Importantly, these surveys also show an increasing preference by our clients to contact us using electronic channels, and to use our online application facilities. These positive results affirm the direction taken by the department, to build stronger migration and visa services.

Migration Program 2011-12

I would like to move on to briefly comment about just a few of the policy and program challenges the portfolio faces in the near future.

The first I would like to address is around the management of our migration program for the 2011-12 program year. We face significant pressure as demand currently exceeds the supply of places in virtually all Skilled and Family programs.

As you may be aware, the Government sets a migration program ceiling each year which is announced at Budget time. The current year's Migration Program is set at 168 700, and we expect that the 2011-12 program will be announced with the Federal Budget in May.

Within our family program there are no 'caps' provided for within the Migration Act for the Partners and Children caseloads. The Government does set indicative planning levels for these caseloads. By requirement of government policy, the department is unable to grant more visas than exist within the planning range. As a result, we are seeing an increasing pipeline in these caseloads, and also as a result processing times are increasing significantly.

New arrangements for assessing refugee claims from irregular maritime arrivals

As I'm sure you're all aware, late last year the High Court of Australia considered the cases of two irregular maritime arrival asylum seekers—M61 and M69—who were found not to be refugees by both an officer of the department and an independent merits reviewer.

The Court upheld the validity of the processing framework for irregular maritime arrivals, but found that certain legal errors were made in the processing of the two cases before the Court.

This is an important decision for our clients as it holds the department accountable for ensuring that procedural fairness as defined in Australian jurisdiction is afforded to all clients. Because of this decision we have:

- reviewed existing procedures and training
- updated procedural guidelines for staff

- amended client information and letters, and
- ensured that staff are well trained in the practice of procedural fairness.

Importantly, the Court also found that irregular maritime arrivals can seek judicial review if they receive a negative merits review assessment.

On 7 January this year, Minister Bowen announced a new refugee status determination process for irregular maritime arrivals, one that is both robust and efficient in resolving asylum seekers' claims. This is designed to speed up the process so that clients could have an immigration outcome more quickly. As a result the Protection Obligations Determination process came into effect on 1 March 2011.

Under the new Protection Obligations Determination process, an asylum seeker's claims for protection will still be initially assessed by a departmental officer (Protection Obligations Evaluation). The difference from the former Refugee Status Assessment process will be that, where the officer isn't satisfied that the asylum seeker is owed Australia's protection, the case will be immediately referred to an independent assessor for review—Independent Protection Assessment.

The introduction of Complementary Protection legislation

On 24 February this year, the Minister introduced into Parliament a Bill to enable the Protection visa decision making process to become more efficient, transparent and accountable. The introduction of this legislation is important because under the Migration Act, only those people fleeing persecution for one of the five reasons outlined in the Refugees Convention are currently eligible to receive a Protection visa through the standard process. As you may be aware these reasons include:

- race
- religion

- nationality
- particular social group, or
- political opinion

Applicants who fall outside these categories are not considered to be refugees and, consequently, their applications must be rejected by the department, and also by the Refugee Review Tribunal.

However, importantly Australia may have obligations to consider protection for these applicants according to *non-refoulement* obligations under other human rights treaties, which include:

- the International Covenant on Civil and Political Rights (ICCPR)
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and
- the Convention on the Rights of the Child (CROC).

This may be particularly so if an applicant is fleeing significant harm including the arbitrary deprivation of life, having a death penalty charge in the country from which they reside, being subjected to torture, or being subjected to cruel, inhuman, or degrading treatment or punishment.

Currently, Australia can only grant protection to people in these situations through ministerial intervention. Unfortunately for these clients, ministerial intervention is not guaranteed and the minister cannot be compelled to exercise his power. Further, there is no requirement to provide reasons if the minister does not exercise the power, and there are no merits review for ministerial decisions.

The complementary protection legislation aims to develop an integrated protection decision making model, so that clients who make claims under any of the treaties mentioned above are able to be assessed for Australia's protection.

An integrated model would enable more timely assessment of protection claims, as there would be no need to go through the ministerial intervention process. Under current legislation, this is only available after both a negative primary Protection visa decision by the department, and a negative Refugee Review Tribunal finding.

Under the proposed complementary protection model, claims for protection will still be first considered against the Refugees Convention. If the applicant is found not to be a refugee at this point, they will have their claims considered against the new complementary protection criteria.

This approach has been supported by the Office of United Nations High Commissioner for Refugees, along with our domestic and international stakeholders. It also brings Australia into line with countries such as New Zealand, Canada, the United States and many European nations.

These two examples outline the portfolio's progress with a number of challenging new policy developments this year, that is an agenda of sound administrative decision making, transparency, efficiency and accountability in our organisation. Within that context, and directly related to these policy developments, I'd like to talk to you about an issue directly related to the issues I have already discussed—the Regional Cooperation Framework.

Bali process and the Regional Cooperation Framework

As you know, irregular migration continues to pose a challenge globally, including for nation states in the Asia-Pacific region. It presents a significant policy challenge which requires a focused regional response to ensure a solution that is both strategic,

and humane. So, one of our policy priorities for 2011 and beyond is to continue to support the government to develop a regional cooperation framework, or regional protection framework as it has also been referred to.

While border control and law enforcement initiatives are effective measures to combat people smuggling and trafficking in persons, such measures alone are not sufficient. Practical cooperative solutions are needed to address complex irregular migratory flows.

The government believes that a sustainable regional cooperation framework is the most effective way to enhance the region's response to irregular migration. A regional framework would also seek to improve consistency in the processing and treatment of individuals claiming asylum, in a manner consistent with the principles of the United Nations Convention Relating to the Status of Refugees, and this is exactly what we are doing.

To be genuinely effective, it is important that such a framework is developed in close consultation with our regional partners in the Bali Process and with the Office of the United Nations High Commissioner for Refugees.

You may be aware that the Bali Process was established in 2002 as a forum to bring states together to work on measures to help combat people smuggling, trafficking in persons and related transnational crimes in the Asia-Pacific region and beyond. The forum is co-chaired by the Australian and Indonesian Foreign Ministers and has been very helpful in supporting the development of bilateral and regional cooperation with other regional immigration services—particularly in key areas such as law enforcement, managed migration and information sharing.

The fourth Bali Process Ministerial Conference on People Smuggling will occur later this month, and will be co-chaired by Minister Rudd and Minister Natalegawa,

Foreign Ministers for Australia and Indonesia respectively. Minister Bowen will lead the Australian delegation.

Conclusion

Ladies and gentlemen, the department operates within a dynamic and changing environment, and our need to be able adapt the way we operate is paramount. As you can imagine, this is not new. Through more than 65 years of nation building, the department has worked through major policy, technological, and economic challenges with great success. We have done so in partnership with, and close consultation with many other departments and agencies, and with civil society.

The issues I have discussed today help to illustrate the challenging position in which the department is currently poised—particularly, facing significant operational, technological, structural, and policy issues.

In closing, I hope that the full program before you is informative and useful, and I wish you well as you enjoy the remainder of the conference.