



To Minister

Subject Processing requirements for humanitarian visa applicants in Syria.

Purpose To seek your agreement to request consent from humanitarian applicants residing in Syria for disclosure of bio-data, case description and criteria for interview to the Syrian Arab Republic Government.

Urgency Please action before **4 February 2010** in order to process humanitarian visa applications for Iraqi applicants in Syria.

Background

The Syrian Arab Republic Government (SARG) has asked the Australian Government to provide a list of names, case description and criteria for interview for all humanitarian visa applicants interviewed in Syria. s. 33(a)(iii)

[REDACTED]

The request was initially made in early 2009 and since that time the Department has worked with United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration and other resettlement countries to establish the reasons for the request, the number of resettlement countries approached for the information and their responses to the request. We also sought legal advice on the appropriateness of providing this information.

Despite numerous high level meetings with the SARG, including with Australia's Ambassador to Egypt and Deputy Secretary Hughes, and the provision of Third Person Notes outlining Australia's resettlement processes and the non-discriminatory nature of Australia's Humanitarian Program, it is now clear that Australia will not be able to access humanitarian clients in Syria unless it provides, in some form, the information requested.

s. 33(a)(iii)

[REDACTED]

Issues

Legal and Privacy Advice

The most recent legal advice states that the Department may disclose the information requested by the SARG if consent is provided by the applicant. Without consent the disclosure of information requested would be in breach of Australia's Privacy laws.

Impact on Humanitarian Program

The Amman post continues to process applications for Iraqi applicants in Jordan and applicants residing in Syria who have already been interviewed. However, processing of applications for clients not interviewed is unable to progress without the permission of SARG to conduct interviews in Syria.

The majority of displaced Iraqis are located in Syria and most Iraqi applicants with links to Australia reside there. Without access to this caseload the Department will not be able to grant visas to Iraqi humanitarian applicants resident in Syria, either in the Refugee or Special Humanitarian Program categories. This would impact on the composition of the Humanitarian Program as the caseload in Syria represents the majority of Iraqi applicants and a large part of the overall program. The Iraqi community in Australia would react negatively to a significantly reduced program of Iraqi humanitarian visa grants.

Proposed course of action

The Department proposes, in line with legal advice, to request written consent to disclose information to the SARG from humanitarian applicants who have applications referred to the Post for further processing.

It is proposed the information provided to the SARG be limited to the minimum required to comply with their request. The Department would provide information s. 33(a)(iii). This model is also preferred by UNHCR. An example of the s. 33(a)(iii) is at Attachment A.

Subject to your views the Department will develop a communication strategy to explain the new requirements and consent process for Iraqi applicants.

Client service implications

If the Department were to proceed with obtaining consent from on-hand humanitarian visa applicants in Syria, it would involve a minor increase in the administrative workload at the Amman Post. Future consent would be obtained by the Victorian Offshore Humanitarian Processing Centre prior to referral of applications to Post.

If the Department does not comply with SARG requirements, it will result in a significant reduction in the resettlement of Iraqi refugees and adversely impact client expectations.

Consultation – internal/external

Legal Opinions Section

Privacy & FOI Section

Financial/systems/legislation implications

Nil

Attachments

Attachment A Example of s. 33(a)(iii) model

Attachment A

Example of s. 33(a)(iii)

	UNHCR No.	Criteria	Surname	Given Name	Mother Name	Family Size	Sex	Date of Birth	Nationality	Place of Birth
Example 1	XXX	Women-at-risk رطخ علف علفن	XXX	XXX	XXX	5	Female لفن	2/08/1971	Iraqi لفقلفق	Wassit لفلف
Example 2	XXX	Survivor of violence and torture لفن علف و لفلن علفن لفلن	XXX	XXX	XXX	3	Male لفن	1/07/1957	Iraqi لفقلفق	Anbar لفلف