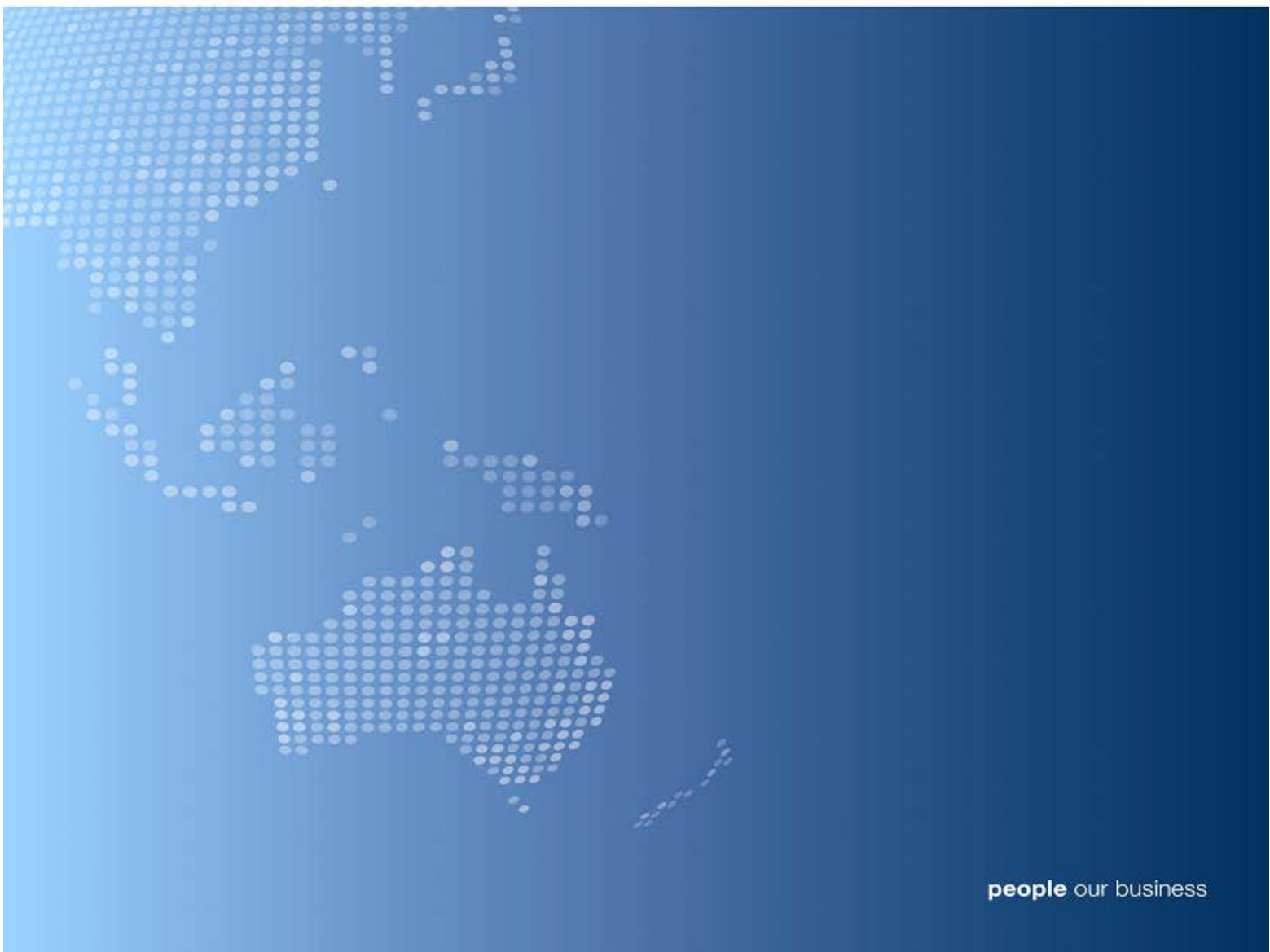
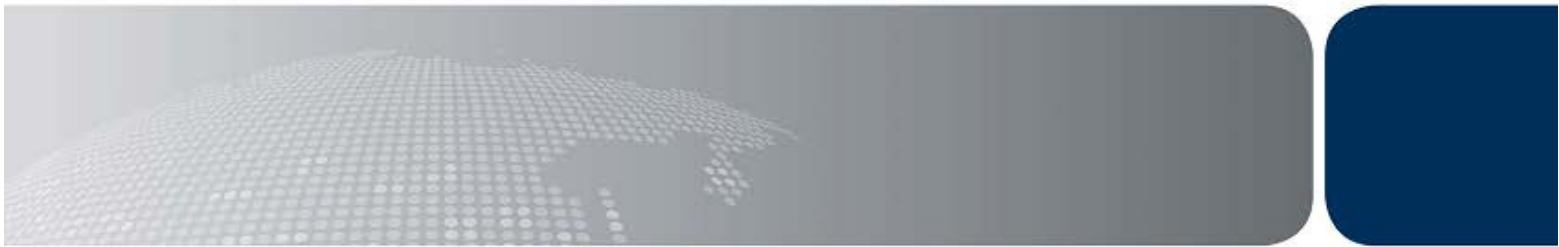




Australian Government  
Department of Immigration  
and Citizenship

# Enhanced Screening Operational Guidelines

July 2013



## **Purpose**

This document provides operational guidance for the Enhanced Screening process. This document is to be used by interviewing officers, senior officers and the administration staff that support the Enhanced Screening process. This document has been developed to support the Enhanced Screening Policy Guidelines.

## **Screening outcomes for enhanced screening**

All non-citizens who arrive in Australia without a valid visa and seek Australia's protection are subject to screening. Screening is used to determine whether a person should be allowed to remain in Australia in order to have their claims considered or whether they can be removed from Australia under the relevant provision of the *Migration Act 1958*.

Screening, including Enhanced screening, is not a protection assessment process.

There are two outcomes for screening:

- Screened-in – the protection claims warrant further assessment through a protection status determination, as they may engage Australia's protection obligations. The non-citizen may remain in Australia pending further decisions as to how they will be processed.
- Screened-out – the protection claims do not require an assessment of Australia's protection obligations. The non-citizen is on a removal pathway.

## **Roles and responsibilities**

### **Interviewing officers**

The role of interviewing officers while on deployment for the purpose of the enhanced screening includes:

- Conducting the enhanced screening interview;
- Recording and transcribing the enhanced screening interview;
- Forming a view of whether the person has/has not made claims that raise any fear of harm whether for a Refugees Convention reason or otherwise. And if the person has made claims that raise a fear of harm, forming a view:
  - That those claims appear to be plausible and to have substance; or
  - That those claims appear not to be plausible and/or not to have substance.
- Completing where applicable the Protection File Note; and

- Forwarding all relevant documents to the Enhanced Screening Operations (ESO) Unit.

### **Senior Officers**

A senior officer can be a Local Senior Officer (LSO) at the detention location or an Enhanced Screening Officer located in the National or State Offices.

#### ***Local Senior Officer (LSO)/Team Leader***

The role of LSO while on deployment for the purpose of the enhanced screening includes the following:

- Prior to referral to the ESO Unit, the LSO will check all Protection File Notes to ensure:
  - The interview transcript has been provided and is available for referral;
  - The interview transcript is complete including all relevant questions filled in;
  - The transcript records time, date and relevant names, including interviewee and interpreter;
  - The appropriate fields in this form have been completed;
  - A summary of interview and the view of the interviewing officer has been recorded;
  - The summary is consistent with the interview transcript; and
  - They provide other comments as relevant.
- Where required, when reviewing the interview transcript and the draft protection file note, the LSO will confirm that a case is a local screen out or refer the case for consideration by the ESO unit;
- Support interviewing officers;
- Engage with key stakeholders at the detention facility;
- Send all case files such as interview transcripts, protection file notes etc to the ESO Unit for record keeping or consideration by the Senior Officers.

#### ***Enhanced Screening Officers***

The role of Enhanced Screening Officers located in the National or State Offices includes:

- Providing support to the LSO;
- Reviewing all cases referred for consideration to determine:
  - That a person has made claims that appear to be plausible and to have substance therefore removal is not appropriate at this time; or
  - That a person has made claims that appear not to be plausible and/or not to have substance therefore removal of this person would be consistent with Australia's *non refoulement* obligations.

Please refer to the Enhanced Screening Policy Guidelines for guidance on the process if the interviewing officer and Senior Officer do not form the same view.

### **Assistant Team Leader**

The role of Assistant Team Leader while on deployment for the purpose of the enhanced screening includes the following:

- Scheduling interviews and providing this schedule to GM UMA Protection Admin;
- Liaising with Detention Operations, Interpreter Liaison, and Serco to prepare an interview schedule for each day;
- Ensuring interpreters are booked;
- Engaging with key stakeholders at the detention facility;
- Liaise with the independent observer in the context of interviewing minors; and
- and
- Organising logistical aspects whilst on deployment such cars etc.

### **Support and administration staff**

The role of the administration and support staff includes the following:

- Providing support to LSOs and enhanced senior officers;
- Record keeping and administration; and
- Completing the 198AE exemption submission.

### **Key Stakeholders**

There are a number of stakeholders that the Local Senior Officer and Assistant Team Leader will need to engage with while on deployment. This includes: detention operations; interpreter liaison; case management; and independent observers in the context of minors. The Local Senior Officer and Assistant Team Leader should engage with these different stakeholders at the start of their deployment. Any operational or logistical elements should be negotiated at the start of the deployment with these stakeholders.

### **Interview**

Each interviewing officer is expected on average to complete five or six interviews a day, depending on the length of the interviews. Because each individual's case is different the length and nature of the interview will vary.

Interviews must be attended by two experienced officers with relevant background and training in protection decision making and interviewing techniques. One officer transcribes the interview and the other conducts the interview. If agreed with by the Team Leader before an interview commences, the person who transcribes the

interview may also wish to assist with conducting the interview, so long as the interview transcript is still transcribed verbatim.

The interview is to be digitally recorded (unless declined by the person being interviewed). Interviewing officers must take notes of the interview. These notes can either be electronically recorded in the interview template or hand written. Digital recording and notes from the interview should be TRIMmed. For guidance on this refer to Record Keeping.

#### *People smuggling information*

Whilst it is not the focus of the enhanced screening interview, interview transcripts may sometimes contain intelligence/information concerning people smuggling activities.

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#### *Summary of interview*

At the end of the interview transcript the interviewing officer must include a summary of the interview and the claims raised (if any). This summary should contain:

- A brief biography: this should include the person's age, ethnicity and region/district the person is from;
- A summary of the claim/s (if any): this should usually be in the form of a timeline and should include dates, locations and the key elements of the claim;
- Any additional information that is relevant to the person's case for example if the interviewing officer is of the opinion that the person is vulnerable or if the person has travelled to Australia previously. Or any other key pieces of information that the interviewing officer would like to highlight to the LSO or SO; and
- The interviewing officer's view, having regard to the information provided by the person during the interview and any relevant country information, that:
  - The person has not made claims that raise any fear of harm whether for a Refugees Convention reason or otherwise; or
  - The person has made claims that raise a fear of harm and:
    - those claims appear to be plausible and to have substance; or
    - those claims appear not to be plausible and/or not to have substance.

Essentially this summary of the interview will indicate whether a person is a:

- Local Screen Out; or
- Referral to ESO Screening Operations for screening considerations by a Senior Officer(s).

### **Local Screen Out**

If the view of the interviewing officer is that an individual has raised no issues that could engage Australia's protection obligations, the case should be referred to the LSO for a second opinion and quality check of the recommendation with reference to the transcript and file note.

Should the LSO agree with the view of enhanced screening officer that the person has not raised claims or issues relevant to Australia's *non refoulement* obligations, the screening outcome can be finalised (subject to the relevant QC framework that is in place at the time) and the person notified accordingly. This is referred to as a local screen out.

Should the LSO disagree with the view of the enhanced screening officer, the LSO can:

- either in consultation with the interviewing officer or not, determine that the person should be re-interviewed (to clarify particular aspects of the claims if required); or
- refer the case (file note and interview transcript) to the ESO unit (via the Enhanced Screening Operations mailbox for further consideration with the recommendation that the person has raised claims that could reasonably engage Australia's *non refoulement* obligations and further consideration of those claims by the ESO Unit is required.

### **Referral to Enhanced Senior Officer for consideration**

If the interviewing officer is of the opinion that the person has raised protection-related claims, the case is to be referred to the ESO Unit for further consideration. When referring a case to the ESO Unit, interviewing officers will:

- Be of the opinion that the person has raised protection-related claims that are implausible or lacking in substance and the recommendation is that removal of the person is consistent with Australia's *non refoulement* obligations; or
- Be of the opinion that the person has raised specific and plausible claims that could reasonably engage Australia's *non refoulement* obligations and the

recommendation is to screen the person in pending further decisions as to how the claims will be processed.

The LSO is to review and provide feedback for quality assurance purposes prior to referral and when referring a case, the LSO should include the interview transcript, the interviewing officer's view and any other relevant information, such as feedback given on the interview.

When referring the case to the ESO Unit, the LSO should provide any other information that may be relevant to a person's case.

## **Minors**

The Minister for Immigration and Citizenship is the guardian of certain unaccompanied minors, that is, those minors to whom the *Immigration Guardianship of Children Act 1946* (IGOC Act) applies. DIAC maintains a duty of care to both 'IGOC' and 'non-IGOC' minors and IGOC status does not impact on the level of care and support provided. All minors are treated with sensitivity.

Minors can be part of the enhanced screening process as:

- a member of a family unit of a person who has made a claim/s; or
- a member of a family unit but with their own claim/s (or where the entire family unit is minors); or
- an individual with their own claim/s (e.g. an unaccompanied minor).

A minor/child is a person under the age of 18. Minors, including unaccompanied minors, may be subject to enhanced screening. Guidance around relevant personal characteristics that should be considered when determining if a person is suitable for enhanced screening can be found at [Appendix A](#) in the [Enhanced Screening Policy Guidelines](#).

Minors who are part of family unit are not interviewed unless they specifically request to be interviewed. Where an unaccompanied minor is being considered for enhanced screening, please notify your team leader prior to interviewing the unaccompanied minor.

When dealing with minors the 'best interests of the child' must be considered. It is Departmental policy that unaccompanied minors are afforded priority processing. Where possible, minors should be interviewed by an officer who has background or experience in children's cases.

Where a minor is being interviewed there are contractual arrangements in place to ensure there must be an independent observer present at the interview. The independent observer ensures that the treatment of unaccompanied minors during the interview is fair, appropriate and reasonable. Where appropriate, the interviewing officer may allow the independent observer to help the minor explain

their claims but at the same time ensure that the minor is able to speak for themselves and is given the opportunity to present their claims in their own words.

If the officer determines, during the course of the interview, that the minor is not comfortable because of the presence or support of the independent observer, the interviewing officer may ask the independent observer to leave the interview and if appropriate another independent observer may be allowed to enter with the agreement of the minor.

### **Access to legal advice**

In accordance with section 256 of the *Migration Act 1958*, reasonable facilities, for any individual in immigration detention, to access legal advice will be provided should the individual request this.

The department should provide clients with a phone, an interpreter and a phone book (for the relevant state/region). For particularly young minors, if dealing with minors, additional support may be required.

If a client has asked to speak to a particular migration agent and/or legal representative, the department should provide the business hours telephone number for that person.

If a migration agent and/or legal representative contacts the department and states they represent a client, the department must ensure that the client has completed the 956 Form (Advice by a migration agent/exempt person of providing immigration assistance) or that the client has written advice (in any form), authorising the department to communicate with a third person. If the department has this evidence, the department should then reasonably facilitate access to this third person.

### **Notification**

Enhanced screening is undertaken to inform a decision about whether to remove an unlawful non-citizen under section 198 (2) of the *Migration Act 1958*. Therefore the requirements for notification and the operational responsibility for notification will generally be established by the Removal Policy section. Screening outcomes are updated in ICSE by GM UMA Protection Admin and then communicated by email to Case Management and Removals. The IGOC delegated guardian should be advised of the screening outcome for minors, for information only.

### **198AE Submission to the Minister for exemption**

Section 198AD of the *Migration Act 1958* requires all Unauthorised Maritime Arrivals (UMA) who are in detention to be taken to a Regional Processing Country as soon as reasonably practicable, subject to certain exceptions. This provision applies to all Unauthorised Maritime Arrivals who enter Australia on or after 13 August 2012.

The power to remove an unlawful non-citizen from Australia is contained in section 198 of the *Migration Act 1958*. The department is unable to facilitate a removal of an affected UMA while section 198AD applies.

Section 198AE of the *Migration Act 1958* provides the Minister with a non-compellable, non-delegable power to determine in writing that section 198AD does not apply to one or more UMA, if he/she thinks it is in the public interest to do so.

Therefore, any person who has been screened out and thus where removal would be consistent with Australia's *non refoulment* obligations needs to be exempted in writing by the Minister so that section 198AD does not apply to that UMA.

This exemption is to occur in the form of a s198AE submission. This submission is to be completed by UMA Screening Operations.

### **Record Keeping**

#### ***TRIM***

All Enhanced Screening File Notes and related files, such as emails sent to the ESO Unit, notification emails, interview transcripts and Enhanced Screening Protection File Notes, are to be stored in TRIM.

Documents that need to be TRIMmed include:

1. Interview Transcript;
2. If applicable, follow up interview transcript;
3. Final signed Protection File Note;
4. Digit recording of the interview (if applicable);
5. Enhanced screening referral for second SO opinion;
6. Notification email sent to Detention Operations and case management to advise of screening outcomes of a Suspected Illegal Entry Vessel
7. Recording
8. If relevant, any other additional claims or information that was raised by the person following the enhanced screening interview; and
9. Any other relevant information to the person or their claims.

#### ***TRIM Naming Conventions***

The following naming conventions should be used when TRIMming documents:

- Enhanced screening interview transcript: Boat ID (no spaces) – Enhanced screening interview transcript – Date (DD/MM/YYYY)
  - E.g. ABC001 – Enhanced screening interview transcript – 01/12/2012
- Enhanced screening follow up interview transcript:

- E.g. ABC001 – Enhanced screening follow up interview transcript – 01/12/2012
- Protection File Note: Boat ID (no spaces) – Protection File Note – Date (DD/MM/YYYY) – Screen in/Screen out
  - E.g. of a person who has been screened in: ABC001 – Protection File Note – 01/12/2012 – Screen in
  - E.g. of a person who has been screened out: ABC001 – Protection File Note – 01/12/2012 – Screen Out
- Digital recording of interview: Boat ID (no spaces) – Enhanced screening interview recording – Date (DD/MM/YYYY)
  - E.g. ABC001 – Enhanced screening interview recording – 01/12/2012
- Referral email sent from SO to another SO for opinion: Boat ID (no spaces) – Enhanced screening second opinion referral – Email
  - E.g. ABC001 – Enhanced screening referral for second SO opinion – Email
- Notification email with screening outcomes – SIEV name and number – Enhanced screening outcomes – Date of when email sent (DD/MM/YYYY)
  - E.g. ABC SIEV123 – Enhanced screening outcomes – 01/12/2012
- Additional claims or information: Boat ID (no spaces) – Enhanced screening additional claims or information raised – Date (DD/MM/YYYY)
  - E.g. ABC001 – Enhanced screening additional claims or information raised – 01/12/2012

If there is other information that is relevant to the person and the enhanced screening process, it should be filed using similar naming conventions to that provided above. This includes:

- Person's boat ID;
- That they are part of enhanced screening;
- The type of document/information being TRIMmed; and
- The significant date of the document/information (e.g. when the information was provided to/from the person).

When TRIMming documents please ensure there are no spaces between the letters and numbers of the boat ID.

### ICSE

Screening outcomes are updated in ICSE by GM UMA Protection Admin. The outcome of both Business As Usual and enhanced screening is recorded in ICSE under 'UNA screening assessment' found within the enforcement event. The notes to this event confirm if the screening outcome was under enhanced screening and includes a TRIM reference (it is left blank if they were subject to Business As Usual screening). If officers are unsure which process the client underwent, email UMA Screening Operations to confirm.

For clients identified as available for removal, any subsequent exemption by the Minister under s198AE should also be recorded in ICSE as a Ministerial Intervention permission request.