



Australian Government
Department of Immigration and Citizenship

DECISION RECORD

Request Details

FOI Request FA 13/06/00920
File Number ADF2013/18867

Scope

1. Document or documents described or known as 'Enhanced Screening Policy Guidelines'
2. Document or documents described or known as 'Pro Forma Protection File note for Enhanced Screening'
3. Document or documents described or known as 'Enhanced Screening Interview Transcript Pro Forma'
4. Any other policy, guideline documents and/or pro forma documents in relation to 'Enhanced Screening'

Documents in scope

1. Enhanced Screening Policy Guidelines – containing 18 folios.
2. Protection file note – template for local screen outs – containing 3 folios.
3. Protection file note – template for referred cases – containing 4 folios.
4. Enhanced Screening interview transcript pro-forma – containing 7 folios.

Information considered

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate departmental records. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- The Australian Information Commissioner's guidelines relating to access to documents held by government;
- Departmental files and/or documents (identified above); and
- Consultation with relevant business area(s).

Reasons for decision

I have considered the files within the scope of your request and applied exemptions in part or in full to documents as detailed in the Schedule of Documents. You should read the schedule in conjunction with the exemptions below.

FREEDOM OF INFORMATION ACT 1982 - Section 47E
Public interest conditional exemptions—certain operations of agencies

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;*
- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency;*
- (c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or by an agency;*
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.*

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

For a document to be exempt under section 47E(d), I must be satisfied that there is a reasonable expectation that its disclosure will result in a substantial adverse effect on the department's operations and that there is no overriding public interest in favour of disclosure.

In my opinion the documents listed in the Schedule as exempt under this section could reasonably be expected, if disclosed, to prejudice the effectiveness of the operations of this department.

Having formed this view I then considered whether release of the documents would be contrary to the public interest.

I considered the following factors in favour of disclosure:

- There is a general public interest in making information held by the Government accessible to the public;
- A person or the general public is entitled to have access to documents containing decisions which affect them. Disclosure may reveal the reasons for decision;
- Inform debate on a matter of public importance; and
- The need for openness and accountability of the department's operations.
- The extent to which the information is known by the public.

On the other hand I considered the following in favour of non-disclosure:

- An unfair advantage could be gained by knowledge of the operations of the department;
- Reveal covert operating procedures, the release of which would require the department to change the way it operates.

Releasing information about the way the department operates may enable applicants to circumvent certain processes in the future. This would result in the department having to continually change its processes at a cost to the department. I have given this the most weight. I therefore believe that releasing this information would be contrary to the public interest.



Shannon Bevan
00003160
FOI Officer
FOI and Privacy Policy Section
National Office
Department of Immigration and Citizenship

23 August 2013



Australian Government
Department of Immigration and Citizenship

SCHEDULE OF DOCUMENTS TO DECISION RECORD

Request Details

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File Number ADF2013/18867

1. Enhanced Screening Policy Guidelines – April 2013

Folio	Description	Decision	Legislation
1-5		Release in Full	
6-7	Information contained could have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.	Exempt in Part	s.47E(d)
8		Release in Full	
9-10	Information contained could have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.	Exempt in Part	s.47E(d)
11-15		Release in Full	
16	Information contained could have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.	Exempt in Full	s.47E(d)

2. Protection file note – template for local screen outs

Folio	Description	Decision	Legislation
1	Information contained could have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.	Exempt in Part	s.47E(d)
2-3		Release in Full	

3. Protection file note – template for referred cases

Folio	Description	Decision	Legislation
1	Information contained could have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.	Exempt in Part	s.47E(d)
2-3		Release in Full	

4. Enhanced Screening interview transcript pro-forma

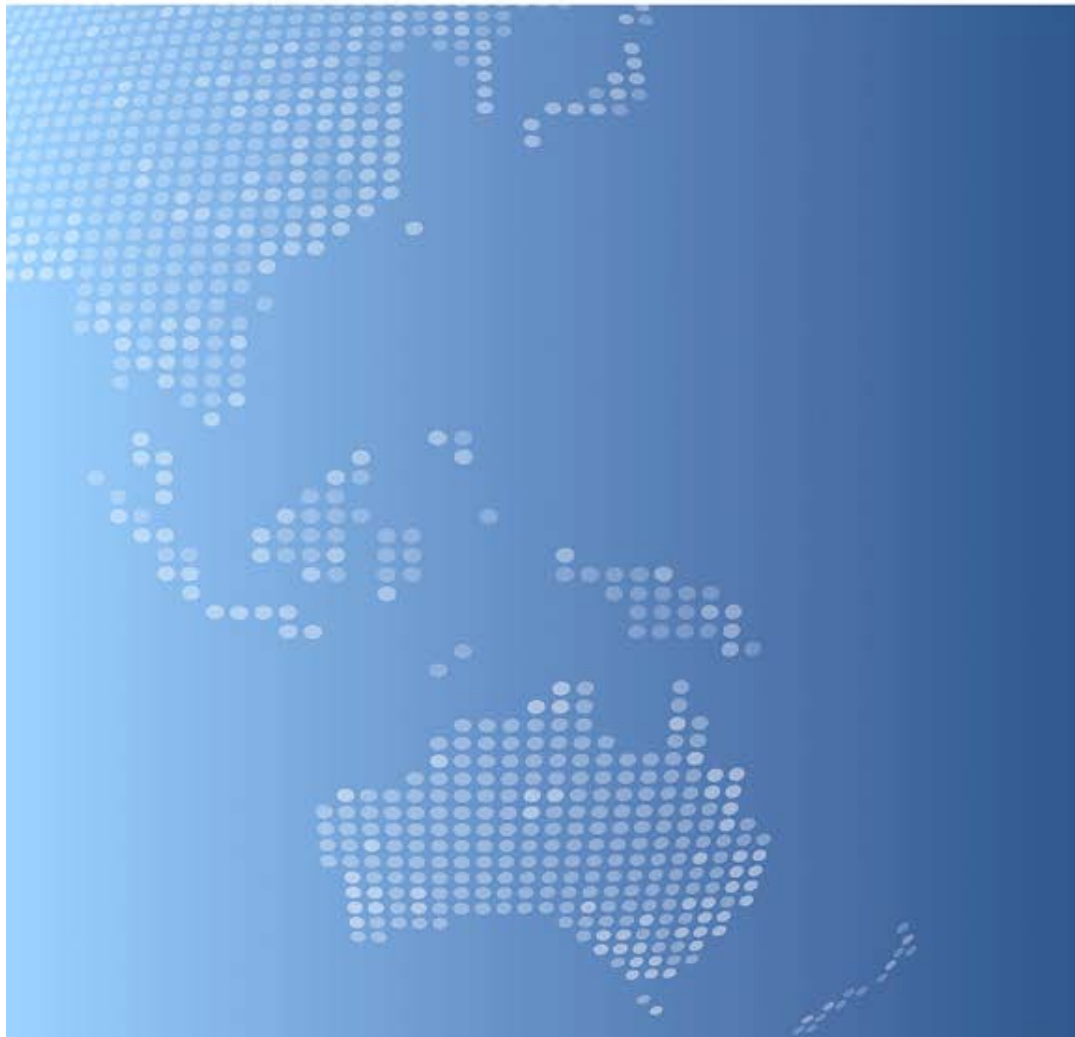
Folio	Description	Decision	Legislation
1-3		Release in Full	
4-5	Information contained could have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.	Exempt in Part	
6-7		Release in Full	



Australian Government
Department of Immigration
and Citizenship

Enhanced Screening Policy Guidelines

April 2013



Released by DIAC under the
Freedom of Information Act 1982

Enhanced Screening – Policy Guidelines

Enhanced Screening – Policy Guidelines

CONTENTS

1. PURPOSE.....	5
2. SCOPE OF THESE GUIDELINES.....	5
3. STATUTORY FRAMEWORK.....	5
4. IDENTIFYING CASES FOR ENHANCED SCREENING.....	6
5. CONDUCTING INTERVIEWS.....	6
6. CONSIDERATION OF THE INTERVIEW.....	9
7. GUIDELINES FOR RECORDING OUTCOMES AND NOTIFICATION	13
8. RELATED DOCUMENTS	15
APPENDIX B: OVERVIEW OF ENHANCED SCREENING PROCESS MODEL.....	17
.....	17

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Enhanced Screening – Policy Guidelines

1. PURPOSE

This document provides policy guidance for Enhanced Screening which applies to persons within cohorts listed at [Appendix A](#) and who arrive without a valid visa and are seeking to remain in Australia.

Enhanced screening

Enhanced Screening involves an initial identification of cases conducted soon after arrival followed by an interview conducted by a case officer with a background in protection-related issues – the enhanced screening interview officer.

The interview gathers information about the reasons behind a client's travel to Australia that is recorded in an interview transcript and Enhanced Screening Protection File Note.

The transcript and Enhanced Screening Protection File Note are then referred to either a local senior officer or a senior officer within the Enhanced Screening Operations (ESO) unit to consider if the claims could reasonably engage Australia's protection obligations. The outcome may be one of two options:

- Screened out - The client has not raised issues that could reasonably engage Australia's protection obligations. The client is placed on a removal pathway.
- Screened in - The client has raised issues that could reasonably engage Australia's protection obligations. The client is able to remain in Australia pending further decisions as to how their claims will be processed.

2. SCOPE OF THESE GUIDELINES

These Guidelines provide guidance for officers on the following:

- o The broad policy context and purpose of enhanced screening.
- o The roles and responsibilities of those involved in the process.
- o The thresholds and tests applicable for the screening process and how these differ from the PV process.
- o The cohorts considered suitable for enhanced screening.
- o Conducting an enhanced screening interview to collect information relating to the person's reasons for coming to Australia, protection related issues and consideration and use of any adverse information (if relevant).
- o Forming a view about a person's reasons for coming to Australia.
- o Referring cases for further consideration as appropriate.
- o Finalising cases including recording outcomes and notifying the client.

3. STATUTORY FRAMEWORK

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* (the Act). S 198(2) relevantly imposes a duty on the department to remove a non-citizen who is not the holder of a valid visa and has not made an application for a substantive visa, has not been

Enhanced Screening – Policy Guidelines

immigration cleared and is detained under s 189 of the Act, as soon as reasonably practicable.

The purpose of a screening decision is to determine whether a person should remain in Australia pending consideration of any claims the person may have against Australia's *non refoulement* obligations. Where that person is considered by the screening process not to have claims that could reasonably engage Australia's protection obligations or through a protection assessment process not to have claims that engage Australia's obligations they are considered to be on a removal pathway and the department's obligations to remove that person as soon as reasonably practicable are enlivened.

For more information refer to Section 198 of the Act: [Removal from Australia of unlawful non-citizens](#).

4. IDENTIFYING CASES FOR ENHANCED SCREENING

Enhanced screening is used for unlawful arrivals within specific identified cohorts. This could be for a range of reasons including:

- The cohort is not one that has, in the past, produced cases that have been found to engage Australia's protection obligations.
- Country of origin information suggests that the cohort is not generally considered to be 'at risk' in that country. Such information includes UNHCR Eligibility Guidelines where they are in effect. This risk assessment may also be affected by the fact that the country of origin is a signatory to the key international human rights treaties and undertakes to abide by obligations arising from those treaties.

The identification of enhanced screening cases is done by staff conducting bio-data capture at arrival in reference to the cohort list at [Appendix A](#). Advice that there are cases suitable for enhanced screening is provided on the basis of this initial bio-data. This information is used to prepare a schedule of interviews in consultation with the Enhanced Screening team (either locally or the ESO Unit). Further guidance on the identification of cases can be found at [Appendix A](#).

s. 47E(d)

Further guidance is available from the ESO mailbox: IMA Screening Operations or Protection Policy Section in National Office: [Protection Policy](#).

5. CONDUCTING INTERVIEWS

Any person identified for enhanced screening is required to undergo an enhanced screening interview. This interview is face to face and is to be conducted by an experienced officer with relevant background and training in protection decision making - the enhanced screening interview officer (and may be supported by a further, similarly trained officer transcribing the interview). Should an experienced officer not be available on site then an

Enhanced Screening – Policy Guidelines

interview can be conducted by telephone (subject to appropriate arrangements being made). The ESO Unit or Protection Policy should be contacted for advice in this instance.

The purpose of the interview

s. 47E(d)



The interview format

An interview template is available on TRIM (OPF2012/7510). Please note the standard interview template is updated as required and the ESO Unit or Protection Policy should be contacted to confirm the most up-to-date template.

There are two parts to the interview: Part One deals with confirmation of bio-data details and collecting basic information relating to the person's background and reasons for coming to Australia. Depending on the nature of the answers given to this section of the interview, the interview may conclude after this part is completed.

Enhanced Screening – Policy Guidelines

The second part of the interview explores in more detail the person's reasons for coming to Australia and whether those reasons may reasonably engage Australia's *non-refoulement* obligations.

Managing the interview

The enhanced screening interview is non-adversarial and is intended to elicit from the person information that is relevant to the screening decision.

Interviewers must carefully consider the personal circumstances of the individual being interviewed to ensure that the interview is conducted in a manner sensitive to these circumstances. These circumstances might include, but are not limited to, the following:

- cross-cultural issues
- interpreter requirements
- family unit considerations and
- the age of the person.

For further information on these considerations, which also arise in protection assessment interviews, please refer to **PAM3: Refugee and Humanitarian - Protection Visa Procedures Advice Manual**.

Structure of the interview

Interview preamble

The purpose of the interview preamble is to situate the interview in a removal context and to ensure that the person being interviewed understands that their answers and reasons for coming to Australia will be considered in relation to their ongoing presence in or removal from Australia.

Prior to the commencement of the interview, the person being interviewed should be advised that as they have arrived in Australia without a valid visa and are being interviewed to ascertain their reasons for coming to Australia and whether they will be permitted to remain in Australia.

They should be further advised that should their responses to the interview not raise a valid reason for entering and being allowed to remain in Australia they will be removed to their home country as soon as reasonably practicable as required under the Migration Act.

A standard preamble is included in the interview template.

Recording the interview

A written transcript of the interview is taken as the interview is conducted. As far as possible this should be a verbatim record of the interview (particularly when the interview is not otherwise digitally recorded). The transcript should also record the details of all persons attending the interview including interpreters by phone. Requirements for recording information are included in the interview template.

Enhanced Screening – Policy Guidelines

Further information on recording the interview can be found in the [Enhanced Screening Operational Guidelines](#).


Circumstances that might require the interview to be terminated

If it becomes evident to the interview officer during the interview that a person exhibits personal characteristics that indicate the use of enhanced screening is inappropriate, the interview should be paused to allow for consideration of those characteristics.

The interview officer should discuss the relevant details with the local Senior Officer or contact the ESO Unit mailbox: IMA Screening Operations. If it is agreed that the person's characteristics make them unsuitable for the enhanced process, the interview should be terminated and the client advised accordingly.

6. CONSIDERATION OF THE INTERVIEW

s. 47E(d)



Recording the screening outcomes

Following the completion of the interview, interviewing officers should, with reference to the interview transcript and in consultation with the local senior officer, record their views and recommendation in an Enhanced Screening Protection File Note (template available on TRIM (OPF2012/7510)).

The purpose of the Enhanced Screening Protection File Note is to record the consideration of whether a removal can be effected in a manner consistent with Australia's *non refoulement* obligations.

Enhanced Screening – Policy Guidelines

The Enhanced Screening Protection File Note should focus on the key details of the person's reasons for coming to Australia and any protection related issues raised by the person. This file note should also record the interviewing officer's views based on the following options:

- The case **does not** raise issues relevant to Australia's *non refoulement* obligations. Therefore the case should be 'screened out' and proceed to removal.
- The case **could potentially** engage Australia's *non refoulement* obligations. This includes cases where:
 - The view of the interviewing officer is that the claims made while they may be superficially Convention-related, are so implausible or lacking in substance as not to warrant being considered in a RSD process
 - The view of the interviewing officer is that the claims made are **specific and may be well founded**.

In all circumstances, the case is to be referred to a senior officer for consideration

Enhanced screening interviewing officers may also include other observations in relation to the interview, such as whether the person appeared to be distressed, whether there were signs or indications of torture or trauma, whether the person had disabilities or other obvious physical injuries, and any other information to assist in the senior officer's consideration of the interview report.

Determining if claims are implausible or lacking in substance

s. 47E(d)



Escalating cases

Once the Enhanced Screening Protection File Note is completed with a recommendation by the interviewing officer recorded appropriately, the case must be referred for further consideration to the appropriate senior officer. In all cases, an Enhanced Screening Senior Officer must also record their recommendation and a summary of their reasons prior to finalisation of the outcome.

Enhanced Screening – Policy Guidelines

The referral model for cases is as follows:

Enhanced screening interviewing officer is of the opinion that the case does not raise issues relevant to Australia's non refoulement obligations and the recommendation is to 'screen out' and proceed to removal

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 Local Senior Officer (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/QA framework that is in place at the time) and the person notified accordingly (for notification procedures please refer to Section 7 below). This is referred to as a local screen out.
- Should the LSO disagree with the view of the enhanced screening officer, the local Senior Officer 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: IMA Screening Operations) 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.

Enhanced screening interviewing officer is 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

If the view of the interviewing officer is that an individual has raised claims that are implausible or lacking in substance, the case should be referred to the ESO Unit (IMA Screening Operations) for further consideration and a screening outcome by a senior officer within the ESO unit.

For quality assurance purposes, prior to referral to the ESO Unit, the LSO should review the transcript of the interview and the interviewing officer's summary. The purpose of this review is not to agree or disagree with the view of the interviewing officer but to provide feedback on the interview, the transcript and the summary for quality assurance purposes. Where appropriate, the LSO may note the feedback provided when they refer the case to the ESO Unit.

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.

Enhanced Screening – Policy Guidelines

- If the Senior Officer within the ESO unit (ESO SO) agrees with the interviewing officer's view that the person has raised claims that are considered implausible or lacking in substance (i.e. where the claims could not reasonably engage Australia's *non-refoulement* obligations) then the person is considered to be '**screened out**' and available for removal.
- If the ESO SO disagrees with the enhanced screening officer's view and instead is of the view that the person has raised claims that warrant further consideration, the ESO SO can:
 - either in consultation with the interviewing officer or the LSO, determine that the person should be re-interviewed (to clarify particular aspects of the claim if required); or
 - overrule the interviewing officer's recommendation and recommend the person be '**screened in**' pending further decisions as to how they will be processed in a formal RSD process. In this situation, the ESO SO can consult with another senior officer within the ESO unit for a second opinion.

Enhanced screening interviewing officer is 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 referral process for cases in this category is as per those that are considered to have implausible or unfounded claims. That is, it is to be referred to the ESO Unit for further consideration, 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.

- If the ESO SO agrees with the interviewing officer's view that the person has raised claims that could reasonably engage Australia's *non refoulement* obligations then the person is considered to be screened in pending further decisions as to how their claims will be processed.
- If the ESO SO disagrees with the interviewing officer's view and instead is of the view that the person has raised claims that are implausible or lacking in substance, the ESO SO can:
 - either in consultation with the interviewing officer or LSO, determine that the person should be re-interviewed (to clarify particular aspects of the claim if required); or
 - overrule the interviewing officer's view and recommend that removal of the person would be consistent with Australia's *non refoulement* obligations and the person should be **screened out**. In this situation, the ESO SO is required to refer the case to another senior officer within the ESO unit for a second opinion. The screen out finding is only confirmed if both officers agree,

Enhanced Screening – Policy Guidelines

otherwise the person receives the benefit of the doubt and is screened in pending further decisions as to how their claims will be processed:

Given the complexity of the consideration and escalation scenarios under enhanced screening, a process model on 'decision making' pathways is at [Appendix D](#).

7. GUIDELINES FOR RECORDING OUTCOMES AND NOTIFICATION

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.

For more detail see the [Enhanced Screening Operational Guidelines](#).

ICSE

All Enhanced Screening outcomes must be recorded under a screening permission request in ICSE. This should include the outcome and outcome date as well as the name of the senior officer/s who made the finding. 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.

For more detail see the [Enhanced Screening Operational Guidelines](#).

Quality Assurance

Quality assurance will occur on the TRIMmed file notes.

For more detail see the [Enhanced Screening Quality Assurance Plan](#).

Notification – Client and detention operations

As discussed above, 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. As a decision to remove a person from Australia will include consideration of a range of factors, notification is the responsibility of an appropriately authorised removals officer. Should the authorised removals officer require specific advice on the screening status of a person being considered for removal they should refer their enquiry to the ESO Unit for that advice.

If the outcome of the screening consideration is that the person is screened in, the person should be notified as soon as operationally practical, generally by their case manager.

For more detail see the [Enhanced Screening Operational Guidelines](#).

Enhanced Screening – Policy Guidelines

Consideration of new or additional information

Subsequent to an enhanced screening interview a person may provide additional information to an officer of the department, either orally or in writing. If new or additional information is provided the department is required to give consideration to that information. This consideration will look at whether the information is in fact new or additional and has not previously been considered and, if so, whether it has a material effect on the person's status. For enhanced screening purposes, relevant information may include any claims of fear made against a person's home country.

Escalating information provided in a case management or removals context

Removal processing including notification is one of the scenarios in which claimed new information may be provided to officers of the department. As any consideration of this information may potentially delay a person's removal or an entire removal operation it is imperative that this information be escalated for consideration as soon as practicable. It is however also essential that the escalation occurs as there is otherwise a risk that Australia may not appropriately identify a person who has claims that could reasonably engage Australia's protection obligations.

Regular and ongoing contact with a person in a case management context is also one of the scenarios in which claimed new information may be provided to officers of the department. If this information is relevant to enhanced screening, it should be referred to the ESO Unit mailbox. When referring to the ESO Unit, it is recommended to notify the ESO Senior Officer in advance.

If this information is relevant to enhanced screening, it should be referred to either the Local Senior Officer (where possible) or to the ESO Unit mailbox. If referring to the ESO Unit, it is recommended to notify the ESO Senior Officer in advance. The relevant Senior Officer will then consider the information to determine:

- If it has already been assessed, in which case they will notify the relevant contact and if removal is underway it can continue or
- It is information that has not already been assessed. In this instance, the Senior Officer is to advise the relevant contact that the information needs to be considered. If removal is underway it is not to proceed until that consideration has been completed.

If the Senior Officer determines that the information is new or additional and requires consideration, they are to advise whether the information warrants a further interview with an enhanced screening interview officer, whether there are follow up questions that can be asked by the relevant removal officer/case manager or whether the information can be considered as provided.

Under any of these scenarios the expectation is that the information will be considered as soon as practicable.

For further information on these considerations, which also arise in the statutory s 48B context, please refer to the [Enhanced Screening Operational Guidelines](#) or [PAM3](#) -

Enhanced Screening – Policy Guidelines

REFUGEE AND HUMANITARIAN > PAM3: Refugee and Humanitarian - Protection visas - s48A cases and requests for s48B ministerial intervention > Minister's Guidelines – Requests for s48B Ministerial Intervention

8. RELATED DOCUMENTS

Enhanced Screening Operational Guidelines

Migration Act 1958 specifically section 198: Removal from Australia of unlawful non-citizens

PAM3: Refugee and Humanitarian - Protection Visa Procedures Advice Manual

PAM3: Refugee and Humanitarian - Protection visas - s48A cases and requests for s48B ministerial intervention > Minister's Guidelines – Requests for s48B Ministerial Intervention

APPENDIX A: COHORTS FOR ENHANCED SCREENING (AS AT 1 JANUARY 2013)

s. 47E(d)



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PROTECTION FILE NOTE – LOCAL SCREEN OUT

Assessment of barriers to removal to home country in reference to any claimed fear of harm

The purpose of this File Note is to record the consideration of whether removal can be effected in a manner consistent with Australia's non refoulement obligations.

Nominal Roll:

Name:

Name on NomRoll (if different):

DOB: / /

DOB on NomRoll (if different): / /

During this consideration I have had regard to information in the following documents:

- *Record of interview conducted on [redacted] [Doc ref: Enhanced Screening Interview Transcript for [redacted]]*
- *The most recent Summary of Country Information on Sri Lanka [contained in folder OPF2012/7610]*

s. 47E(d)

Summary of interview and view of the interviewing officer:

[Insert summary of interview and claims as recorded in interview transcript here here]:

Having regard to the information provided by the client in this interview and relevant and country information, it is my view that this person has not made claims that raise any fear of harm whether for a Refugees Convention reason or otherwise.

[Name of interviewer only]
Protection Officer – Christmas Island
Department of Immigration and Citizenship

[Name of scribe]
Protection Officer – Christmas Island
Department of Immigration and Citizenship

/ /

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PROTECTION FILE NOTE – LOCAL SCREEN OUT

Assessment of barriers to removal to home country in reference to any claimed fear of harm

Consideration by Senior Officer (Christmas Island):

[Insert relevant matters considered here]

Having regard to all the above, I am of the view that:

I agree with the view of the interviewing officer and find that this person has not made claims that raise any fear of harm whether for a Refugees Convention reason or otherwise. Consequently removal of this person to _____ would be consistent with Australia's *non refoulement* obligations.

SENIOR OFFICER (CI): PRIOR TO FINALISING PLEASE REFER FOR QC AND RECORD DETAILS HERE:

QCed by: _____ Date: _____ Outcome: OK to finalise/amend

I do not agree with the view of the interviewing officer and find that this person has made claims that raise a fear of harm whether for a Refugees Convention reason or otherwise. Consequently I am referring this case for a further opinion.

SENIOR OFFICER (CI): IN CASES WHERE YOU DISAGREE WITH THE FINDING OF THE INTERVIEWING OFFICER PLEASE ENSURE FEEDBACK IS APPROPRIATELY PROVIDED.

I agree with the view of the interviewing officer and find that this person **has not** made claims that raise any fear of harm whether for a Refugee Convention reason or otherwise therefore removal of this person to _____ would be consistent with Australia's *non refoulement* obligations. **However**, the person is a member of the family unit and removal of this person is not appropriate at this time.

[Please sign here or include electronic signature]

[Please write name here]

Senior Officer – Christmas Island
Department of Immigration and Citizenship
/ /

NOTES FOR COMPLETING THIS FORM:

FOR ENHANCED SCREENING INTERVIEWS CONDUCTED FROM 20 MARCH 2013 THIS FILE NOTE SHOULD BE REFERRED TO THE IMA SCREENING OPERATIONS MAILBOX **PRIOR** TO SIGN OFF FOR QUALITY CHECKING

AND

If case does not require referral for a further opinion:

- ONCE RELEVANT QC/QA HAS BEEN COMPLETED PLEASE SIGN THE FORM AS REQUIRED AND RECORD ON TRIM USING THE FOLLOWING NAMING CONVENTION:
<BOATID> PROTECTION FILE NOTE (<CLIENTID>)
WHEN TRIMMED PLEASE ADVISE THE IMA SCREENING OPERATIONS TEAM.

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PROTECTION FILE NOTE – LOCAL SCREEN OUT

Assessment of barriers to removal to home country in reference to any claimed fear of harm

If case does require referral for a further opinion:

- PLEASE SIGN THE FORM AS REQUIRED, SAVE USING THE FOLLOWING NAMING CONVENTION:
 <BOATID> PROTECTION FILE NOTE (<CLIENTID>)
 WHEN SAVED PLEASE FORWARD TO THE IMA SCREENING OPERATIONS TEAM.

[FOR CASES THAT REQUIRE REFERRAL ONLY – PLEASE CONSULT WITH THE ESO TEAM PRIOR TO REFERRAL]

Consideration by Senior Officer (Enhanced Screening Operations):

[Insert relevant matters considered here]

Having regard to the information provided by the person/s in the interview and relevant and information, it is my view that this person:

has not made claims that raise any fear of harm whether for a Refugee Convention reason or otherwise therefore removal of this person to _____ would be consistent with Australia's *non refoulement* obligations.

has made claims that raise a fear of harm AND:

those claims appear to be plausible and to have substance therefore removal is not appropriate at this time (does not require further referral) OR

those claims appear not to be plausible and/or not to have substance therefore removal of this person to _____ would be consistent with Australia's *non refoulement* obligations.

has not made claims that raise any fear of harm whether for a Refugee Convention reason or otherwise therefore removal of this person to _____ would be consistent with Australia's *non refoulement* obligations. **However**, the person is a member of the family unit and removal of this person is not appropriate at this time.

[Please sign here or include electronic signature]

[Please write name here]

Senior Officer - Enhanced Screening Operations
Department of Immigration and Citizenship
/ /

NOTE FOR COMPLETING THIS FORM:

For cases that have been referred for a further opinion:

- ONCE CONSIDERED, PLEASE SIGN THE FORM AS REQUIRED AND RECORD ON TRIM USING THE FOLLOWING NAMING CONVENTION:
 <BOATID> PROTECTION FILE NOTE (<CLIENTID>)
 WHEN SAVED PLEASE NOTIFY THE LOCAL SENIOR OFFICER

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PROTECTION FILE NOTE

Assessment of barriers to removal to home country in reference to any claimed fear of harm

The purpose of this File Note is to record the consideration of whether removal can be effected in a manner consistent with Australia's non refoulement obligations.

Nominal Roll:

Name:

Name on NomRoll (if different):

DOB: / /

DOB on NomRoll (if different): / /

During this consideration I have had regard to information in the following documents:

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- *The most recent Summary of Country Information on Sri Lanka [contained in folder OPF2012/7610]*

s. 47E(d)

Summary of interview and view of the interviewing officer:

[Insert summary of interview and claims as recorded in interview transcript here]:

Having regard to the information provided by the client in the interview and any relevant and country information, it is my view that this person:

- has not** made claims that raise any fear of harm whether for a Refugee Convention reason or otherwise.
- 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.

I am referring this case for a further opinion.

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PROTECTION FILE NOTE

Assessment of barriers to removal to home country in reference to any claimed fear of harm

[Name of interviewer only]
Protection Officer – Christmas Island
Department of Immigration and Citizenship

[Name of scribe]
Protection Officer – Christmas Island
Department of Immigration and Citizenship

/ /

Quality Assurance by Senior Officer (Christmas Island):

SENIOR OFFICER (CI): PLEASE COMPLETE QA CHECKLIST BELOW PRIOR TO REFERRING THIS FORM TO THE IMA SCREENING OPERATIONS MAILBOX FOR FINAL CONSIDERATION

- 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
- This summary is consistent with the interview transcript
- Other comments as relevant

This case can be referred for further consideration.

[Name of senior officer]
Senior Officer – Christmas Island
Department of Immigration and Citizenship

/ /

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PROTECTION FILE NOTE

Assessment of barriers to removal to home country in reference to any claimed fear of harm

Consideration by Senior Officer (Enhanced Screening Operations):

[Insert relevant matters considered here]

Having regard to the information provided by the client in the interview and relevant and information, it is my view that this person:

has not made claims that raise any fear of harm whether for a Refugee Convention reason or otherwise therefore removal of this person to _____ would be consistent with Australia's *non refoulement* obligations.

has made claims that I believe raise a fear of harm AND:

those claims appear **to be plausible and to have** substance therefore removal is not appropriate at this time (does not require further referral) OR

those claims appear **not to be plausible and/or not to have** substance therefore removal of this person to _____ would be consistent with Australia's *non refoulement* obligations. Consequently I am referring this case for a further opinion.

has not made claims that raise any fear of harm whether for a Refugee Convention reason or otherwise therefore removal of this person to _____ would be consistent with Australia's *non refoulement* obligations. However, the person is a member of the family unit and removal of this person is not appropriate at this time.

[Please sign here or include electronic signature]

[Please write name here]

Senior Officer – Enhanced Screening Operations
Department of Immigration and Citizenship
/ /

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PROTECTION FILE NOTE

Assessment of barriers to removal to home country in reference to any claimed fear of harm

SENIOR OFFICER (ESO): IF FEAR OF HARM IS EVIDENT BUT YOUR VIEW IS TO SCREEN OUT PLEASE REFER TO SECOND SENIOR OFFICER FOR CONSIDERATION

Consideration by Second Senior Officer (ESO or National Office):

Having regard to all the above, I am of the view that:

- I agree with the view of the first senior officer** and find that removal of this person to _____ would be consistent with Australia's *non refoulement* obligations.
- I do not agree with the view of the first senior officer** and find that removal is not appropriate at this time.

[Please sign here or include electronic signature]

[Please write name here]

Senior Officer – Enhanced Screening Operations / National Office
Department of Immigration and Citizenship
/ /

Enhanced Screening interview transcript pro-forma

INTERVIEW DETAILS

Date: / /

Time commenced:

Location:

Present are:

(DIAC Officers) _____
[Please sign here if printed in hardcopy]

(Interviewee) _____
[Please sign here if printed in hardcopy]

TIS Number (Interpreter) _____
[Please sign here if printed in hardcopy]

This interview is being conducted using interpreter services in the _____ language.

Q1: Do you understand the interpreter? Yes / No

This interview is being recorded so that the department has an accurate record of the interview.

Q2: Do you object to this interview being recorded? Yes /No

3. CONFIRM NOMINAL ROLL, MIGRATION HISTORY AND REASONS FOR TRAVEL

Q3a. Can I confirm the following details: *[Interviewer: refer to the nom roll spreadsheet]*

Boat ID: <i>Check boat ID against interviewee's pass:</i>
Your family name is:
Your given name is / given names are:
Your date of birth is:
Your country of citizenship is:
Your ethnic group is:

3b. Did any of your family come on the boat with you?

[If yes, record boat ID, name and relationship].

The client is a MFU and is a:

Father:

Mother:

Child:

Other: Specify

[Interviewer: this question should be completed by the interviewer – it does not need to be asked]

Enhanced Screening interview transcript pro-forma

3c. Do you have any family already in Australia?

[If yes, record names and any contact details of family members].

3d. Where did your boat depart from?

3e. Where did you board the boat?

Has the person arrived directly from their country of origin: No Yes

[Interviewer: this question should be completed by the interviewer – it does not need to be asked. If no, proceed to Interview Preamble].

4. ADDITIONAL QUESTIONS

[Interviewer: Questions 4a.-4f. only need to be asked if the person has come via a destination or boarded the boat at a place other than their country of citizenship]

4a. Where were you born (town/city, province and country)?

4b. On what date did you depart your home country?

[Interviewer: If client indicates they travelled through other countries, obtain information about the countries transited through, and their last place of residence in their home country]

4c. Are you married?

[Interviewer: If the person is married, please obtain details of their spouse]

4d. What is the name of your doctor in your home country?

[Interviewer: Please obtain name and contact details]

Enhanced Screening interview transcript pro-forma

4e. Did you study in your home country?

[Interviewer: If yes, please obtain details of education in table below.]

Dates		Name of school/institution	Address of school/institution (include country)	Course studied	Course completed or withdrawn or continuing (MM/YYYY)	Qualification gained
MM/YYYY						
FROM						
TO						

4f. Please provide the details of your immediate family members (such as parents, grandparents and/or siblings) in your home country *[Interviewer: The purpose of this question is to obtain the contact details of at least one immediate family member in the person's home country].*

Boat ID	Family name	Given name	Gender	Date of birth DD/ MM / YYYY	Country of residence	Relation-ship	Marital Status	Contact details (including telephone number and address)

[Interviewer: If a person is a UAM please clarify where there family are currently located including if they have direct family links to Australia in table above].

5. PREAMBLE [Interviewer: To be read to all persons]

Because you arrived in Australia without a visa you are an unlawful non citizen and do not have an automatic right to remain in Australia. Therefore a finding is to be made as to whether you have a valid reason to be allowed to remain in Australia. The purpose of this interview is to inform that finding by collecting information about you and your reasons for coming to Australia.

If on the basis of the information that you provide or is otherwise available to the Australian Government it is found that you should be allowed to remain in Australia then you will be advised about how your case will proceed in due course. Alternatively you may be liable to be taken to a regional processing country.

If it is found that you do not have a valid reason to be allowed to remain in Australia then you will be considered for removal. If a decision is made that you can be removed you are expected to comply with that removal.

You should understand that there are significant penalties for providing false or misleading information to a migration officer in the course of their duty. Any false or misleading information that you provide could also raise doubts about the reliability of what you have said.

Q5a. Do you understand? Yes / No

Enhanced Screening interview transcript pro-forma

Q6. Additional questions to be asked at confirmation of nominal roll data:

Q6a. What is your current occupation (the occupation you had prior to leaving your home country)?

Q6b. Where did you reside just prior to leaving for Australia? Was this a different location to where you were born? *[Interviewer: This response should record full address of the last place the person resided. If the person has resided outside of their home country in transit, this full address should be recorded here].*

Q6c. What are your reasons for coming to Australia? s. 47E(d)

Q6d. Do you have any other reasons for coming to Australia?

Would you like to add anything else?

s. 47E(d)

The information you have provided will now be considered by the Department of Immigration and Citizenship. You will be advised of the outcome of this consideration by an officer of the Department in due course.

Interview concluded at

[Interviewer: A time for the conclusion of the interview must be entered]

Enhanced Screening interview transcript pro-forma

7. FURTHER EXAMINATION OF PROTECTION RELATED INFORMATION

You said that your reasons for coming to Australia were related to . I will now be asking some more questions about that issue. The purpose of these additional questions is to give you an opportunity to provide more information to support your claims that you have faced harm or you would face harm on return to your country and to assist in the consideration of your case by the Department of Immigration and Citizenship.

Q7a. Do you understand? Yes /No

s. 47E(d)

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Enhanced Screening interview transcript pro-forma

8. COUNTRY INFORMATION RELATING TO [COUNTRY]

You have indicated that you have a fear of returning to [COUNTRY]. The information that you have submitted to me to support this claim needs to be considered in relation to relevant and up-to-date country information on the situation.

In particular, the Department of Immigration and Citizenship will have regard to the following reports or other sources of information:

[Interviewer: Please state the key pieces of country information that you will be using. This may include, but is not limited to, country information contained in the most recent Summary of Country Information on Sri Lanka]

Briefly what this information suggests is:

[Interviewer: Please provide a summary of the country information focusing on information that is adverse to the person's specific claims. This should include any country information relevant to claims against both the Refugees Convention and complementary protection]

Q9. NATURAL JUSTICE BREAK [Required]

Before we finish this interview, I would like to give you a break so that you can have an opportunity to consider the information I have put before you and to consider what we have discussed today.

[Interviewer: Please turn off recorder (if applicable) and leave the room. On re-entering, turn on recorder].

10. INTERVIEW CLOSING

You have taken a short break:

10a. Have you anything to add to what you have already said? Yes / No

The information you have provided will now be considered by the Department of Immigration and Citizenship. You will be advised shortly of the outcome of this consideration.

Interview concluded at

[Interviewer: A time for the conclusion of the interview must be entered]

Enhanced Screening interview transcript pro-forma

11. SUMMARY OF INTERVIEW AND REFERRAL FOR FURTHER ACTION

Summary of interview and claims:

Having regard to the information provided by the client in this interview and relevant country information, it is my view that:

This person **has not** made claims that raise any fear of harm whether for a Refugees Convention reason or otherwise.

[Interviewer: When the above summary is completed, please finalise and refer this interview transcript to the local Senior Officer for further consideration. The "Protection file note – Template for local screen outs" - should also be used to record your findings.]

This person **has** made claims that raise a fear of harm and:

those claims appear to be plausible and to have substance.

those claims appear not to be plausible and/or not to have substance.

[Interviewer: When the above summary is completed, please finalise and refer this interview transcript to the local Senior Officer for QC before referral to IMA Screening Operations for further consideration. The "Protection file note – Template for referred cases" - should also be used to record your findings.]

[name of interviewing officer]
[position]
Department of Immigration and Citizenship

[name of transcribing officer]
[position]
Department of Immigration and Citizenship

/ /

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