



Australian Government
**Department of Immigration
and Border Protection**

Protection obligations reassessments

July 2016

Released by DIBP under the
Freedom of Information Act 1982

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Reassessment of cases with existing protection obligations assessments

The Protection Assessment Support Section (PASS) has established a process for the reassessment of protection obligations for the following cohorts:

- Applicants found to be owed protection obligations through a non-statutory process, who have consequently had a section 46A bar lift, and have been invited to lodge an application through the statutory process.
- Applicants found to be owed protection obligations, but their PPV (subclass 866) was refused under regulation 866.222. These applicants did not seek RRT review but were subsequently granted a Temporary Humanitarian Concern (subclass 786) or a Humanitarian Stay (subclass 449), have been 46A or 48A bar lifted, and invited to apply for a TPV (subclass 785) or SHEV (subclass 786).
- TPV holders who apply for a further TPV or Safe Haven Enterprise visa (SHEV).

A streamlined reassessment process to apply where there are no changes in circumstances

A streamlined reassessment process has been established for cases where there have been no significant changes in both country and individual circumstances, indicating no change to the recommendation that an applicant engages protection obligations. In these cases there is no requirement for an interview.

The new approach to recording positive assessments in ICSE currently in place is to be used to record positive recommendations for this caseload too. For guidance on recording positive assessments in ICSE refer to ADF2016/40977.

A full reassessment process to apply where there are changes in circumstances

For cases where there have been changes in country information or individual circumstances that may affect whether an applicant continues to engage protection obligations, case officers are required to conduct an interview and record their assessment in accordance with the current approach to positive assessments as stated above, or for negative assessments, using the revised TPV SHEV refusal decision record template and other support tools available at ADF2013/9596.

ALL draft reassessments will be subject to current quality assurance processes prior to finalisation.

Release of new Country of Origin information (COI) products

COI products for Afghanistan, Iraq, Iran, Sri Lanka and the Rohingya ethnic group, which represent the main cohort groupings, have been developed by the Country of Origin Information Services Section (COISS) to support decision makers in determining if an applicant in these cohorts continues to engage Australia's protection obligations. Specifically, these COI products provide a synopsis of country information for the period 2011 to 2015, including any changes in country information during this time. However, they should not be used as the sole basis for consideration of claims and delegates must have regard for the most up-to-date country information available on CISNET.

The COI products for Afghanistan, Iraq, Iran and Sri Lanka have been uploaded to CISNET. The COI product for the Rohingya ethnic group has also been uploaded to CISNET. Ongoing maintenance of these products will be managed by COISS.

- Afghanistan – In Country Synopsis 2011-2015: CR943F6856
- Iraq – In Country Synopsis 2011-2015: CR943F6858
- Iran – In Country Synopsis 2011-2015: CR943F6859
- Sri Lanka – In Country Synopsis 2011-2015: CR943F6857
- Rohingya – In Country Synopsis 2011-2015: CR943F68515

Reassessing protection claims

Case officers must be satisfied that the reasons an applicant was found to engage Australia's protection obligations at the time of their previous assessment still exist at the time the current visa decision is finalised. An applicant must also meet the other criteria for the grant of a protection visa at this time, including identity, health, character and security.

When making a Protection visa application, applicants can attach a previous assessment that they engage Australia's protection obligations (including copies of any previous positive outcome letters from the Department); however, they should also include additional supporting information as to why they continue to engage Australia's protection obligations. Case officers must consider an applicant's previous assessment together with any changes in country information and/or the applicant's personal circumstances.

In addition to consulting the relevant COI products, case officers must investigate and consider the following factors in assessing whether an applicant continues to engage protection obligations since their last finding:

- The previous protection obligations assessment.
- Any additional claims in the new Protection visa application.
- Any new identity information that may affect the applicant's protection obligations assessment (including section 91W or section 91WA consideration).
- Other factors that may impact the protection obligations assessment or identity, character or security considerations, including:
 - TRIM file notes
 - ICSE Client of Interest notes
 - An amber or red CMAL
 - A penal check indicating that the applicant has been convicted of a criminal offence
 - Applicants will need to undergo a new AFP check where a previous AFP check has expired
 - An offshore penal waiver may be applicable
 - A previous section 501 assessment
 - A new referral to the Visa Applicant Character Consideration Unit is required in these circumstances
 - Initiating a SRS assessment

Primary Application Information Service (PAIS) eligibility

It is anticipated that applicants subject to the streamlined reassessment process will not require PAIS assistance. Only certain applicants who are subject to a full reassessment process (including an interview) will be assessed for PAIS eligibility. This will be determined on the basis of whether an applicant has already had a valid protection visa application considered and finalised. Applicants who have previously had a valid visa considered and finalised do not currently meet the eligibility criteria for PAIS.

On this basis, of the above listed cohorts, it is only applicants who have a previous positive non-statutory protection obligations assessment and who have now been invited to apply for a protection visa, who may be eligible for PAIS, subject to meeting other criteria.

When does PAIS eligibility assessment occur?

PAIS eligibility can be assessed (or reassessed) at any point prior to the hand down of a decision. Standardly, a PAIS assessment is conducted prior to bar lift for those in the statutory caseload. However, it is open to any involved party (such as the applicant, a DIBP officer, or a third party service provider) to request a re-assessment for PAIS eligibility at any time.

For those applicants who have a previous positive non-statutory protection obligations assessment but who will be subject to a full assessment process, the IMA Protection Support Section will assess PAIS eligibility on referral to the ^{s. 47E(d)} mailbox after the applicant has been identified as requiring a full assessment process.

Further information

For further information, please contact the Protection Visa Help Desk at ^{s. 47E(d)}