

DEPARTMENT OF HOME AFFAIRS

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Senate Legal and Constitutional Affairs Legislation Committee
Migration and Citizenship Legislation Amendment (Strengthening Information
Provisions) Bill 2020

2 March 2021

QoN Number: 06

Subject: Visa applications

Asked by: Kim Carr

Question:

1. Since the High Court's decision in *Graham v Minister for Immigration and Border Protection; Te Puia v Minister for Immigration and Border Protection* [2017] HCA 33 (handed down on 6 September 2017), how many decisions on visa applications have been, or are currently the subject of review:
 - a. by the Administrative Appeals Tribunal;
 - b. by the courts.
2. How many of the applicants in these matters were/are represented through Legal Aid?
3. How many of these were/are self-represented?

Answer:

1. Since the High Court's decision in *Graham v Minister for Immigration and Border Protection; Te Puia v Minister for Immigration and Border Protection* [2017] HCA 33, on 6 September 2017, there have been 2,054 character cancellation or refusal matters that have been the subject of review.

1,161 have been reviewed by the General Division of the Administrative Appeals Tribunal (AAT) and 893 have been reviewed by the Courts.

Of this number there are 300 character matters that are currently before the Courts and the AAT General Division.

2. Approximately 63 of the 2,054 applicant were represented by Legal Aid. 813 were alternatively represented.

3. 1,060 were self-represented.

The Department's systems identify 118 matters where it was not recorded whether the applicant was represented or self-represented.

These figures are correct as at 3 March 2021.