

SENATE QUESTION

(Question No. 383)

Senator Kristina Keneally asked the Minister representing the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, upon notice, on 12 August 2019:

With reference to visa applications:

1. Can details be provided as to application numbers, planning levels, visa grants, refusals and withdrawals for each sub-category of Partner visa (i.e. spouses [first and second stage], prospective spouses, etc.) over the past five years, including 2018-19.
2. Can details be provided as to the size of the backlog of Partner applications (by applications and by persons) at the end of each program year, starting with 2013-14, for each sub-category of Partner visa.
3. Can details be provided as to processing times for the 90th percentile of Partner applications in each year since 2010.
4. Can details be provided as to application fees for each sub-category of Partner visa for each year since 2010.
5. Can details be provided as to estimated aggregate costs and ASL allocated to Partner visa processing in each year since 2010, including on a unit cost and ASL application finalised basis, and can details be provided as to revenue collected from Partner visa applications in each year since 2010.
6. Can details be provided as to the average length of time between lodgement of Partner visa applications by sub-category and the allocation of the application to a processing officer for each year since 2010.
7. Given a Migration Program ceiling of 160,000 visas per annum, can details be provided as to planning levels for each sub-category of Partner visas in 2019-20, and the three subsequent program years.
8. Can details be provided as to the forecast for Partner visa applications for 2019-20, and the three subsequent program years.
9. Can details be provided as to the forecast size of the backlog at the end of 2019-20, and each subsequent program year; do these forecasts take into account the number of Australians and their partners who decide not to apply for a Partner visa due to the lengthening processing times and backlogs, and does the Government consider the decline in Partner application rates to reflect such discouragement and, ultimately, the decision of Australians and their Partners to choose to live outside of Australia; and does the Government consider this to be a positive outcome for Australia.
10. Given the growing backlog of Partner visas, can details be provided as to the approach to be taken to limiting Partner visas granted in 2019-20.
11. Has the Government sought advice on the legal acceptability of this approach to restricting the grant of Partner visas, particularly spouse visas; if so, can a copy be provided of such advice.

Senator Cash – The Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, has provided the following answer to the honourable senator’s question:

1. Can details be provided as to application numbers, planning levels, visa grants, refusals and withdrawals for each sub-category of Partner visa (i.e. spouses [first and second stage], prospective spouses, etc.) over the past five years, including 2018-19.

| | | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 |
|--|---------------------------|---------|---------|---------|---------|---------|
| Partner visa category planning levels | | 47,825 | 47,825 | 47,825 | 47,825 | 47,825 |
| Partner visa activity | | | | | | |
| Prospective Marriage (subclass 300) visa | Lodgements | 7,070 | 4,519 | 4,659 | 3,975 | 3,982 |
| | Grants | 4,816 | 4,675 | 4,001 | 3,130 | 2,587 |
| | Refusals | 825 | 851 | 803 | 714 | 638 |
| | Withdrawals | 878 | 905 | 632 | 538 | 577 |
| Partner (Provisional) (subclass 309) visa | Lodgements | 30,353 | 21,360 | 22,889 | 20,885 | 19,694 |
| | Grants | 22,222 | 24,145 | 22,029 | 17,446 | 15,991 |
| | Refusals | 1,607 | 1,717 | 1,998 | 1,870 | 1,934 |
| | Withdrawals | 1,316 | 1,128 | 822 | 561 | 465 |
| Partner (Migrant) (subclass 100) visa* | Lodgements | 30,134 | 20,733 | 22,704 | 20,760 | 19,708 |
| | Grants | 23,095 | 18,476 | 20,757 | 24,846 | 26,705 |
| | Refusals | 1,392 | 1,732 | 2,052 | 2,559 | 2,867 |
| | Withdrawals | 721 | 760 | 757 | 702 | 795 |
| Partner (Temporary) (subclass 820) visa | Lodgements | 31,240 | 30,838 | 33,203 | 32,284 | 38,208 |
| | Grants | 24,980 | 23,029 | 26,541 | 23,439 | 26,475 |
| | Refusals | 2,209 | 1,724 | 2,172 | 2,285 | 2,116 |
| | Withdrawals | 863 | 827 | 868 | 836 | 834 |
| Partner (Residence) (subclass 801) visa* | Lodgements | 31,240 | 30,838 | 33,203 | 32,284 | 38,208 |
| | Grants | 20,002 | 18,593 | 20,164 | 26,894 | 26,312 |
| | Refusals | 2,814 | 2,344 | 2,853 | 3,531 | 2,751 |
| | Withdrawals | 1,378 | 1,389 | 1,473 | 1,491 | 1,520 |
| Activity Totals | Lodgements | 130,037 | 108,288 | 116,658 | 110,188 | 119,800 |
| | Grants | 95,115 | 88,918 | 93,492 | 95,755 | 98,070 |
| | Refusals | 8,847 | 8,368 | 9,878 | 10,959 | 10,306 |
| | Withdrawals | 5,156 | 5,009 | 4,552 | 4,128 | 4,191 |
| | Application Finalisations | 109,118 | 102,295 | 107,922 | 110,842 | 112,567 |

Note: Partner visa applications involve a two stage process, and the two applications must be lodged together. That is, the offshore Partner (Provisional) (subclass 309) visa is lodged with the Partner (Migrant) (subclass 100) visa; and the onshore Partner (Temporary) (subclass 820) visa is lodged with the Partner (Residence) (subclass 801) visa. The two applications are counted separately, and in the majority of cases decided at different times. The activity total figures above therefore represent the total of visa activity, and not the total of individuals.

* Second stage Partner (subclasses 801 Partner (Residence) visa and 100 Partner (Migrant)) visa grants are not counted in planning levels.

2. Can details be provided as to the size of the backlog of Partner applications (by applications and by persons) at the end of each program year, starting with 2013-14, for each sub-category of Partner visa.

Onhand Partner stream applications by date

| | | 30/06/14 | 30/06/15 | 30/06/16 | 30/06/17 | 30/06/18 | 30/06/19 |
|--|--------------------|----------|----------|----------|----------|----------|----------|
| Prospective Marriage (subclass 300) visa | Primary applicants | 4,759 | 5,360 | 3,922 | 3,497 | 3,458 | 3,764 |
| | Total applicants | 5,801 | 6,573 | 4,756 | 4,426 | 4,235 | 4,522 |
| Partner (Provisional) (subclass 309) visa | Primary applicants | 20,391 | 23,484 | 18,506 | 16,871 | 17,717 | 18,877 |
| | Total applicants | 32,876 | 37,267 | 30,996 | 26,235 | 26,974 | 28,122 |
| Partner (Migrant) (subclass 100) visa* | Primary applicants | 45,680 | 30,452 | 52,061 | 39,665 | 51,249 | 43,249 |
| | Total applicants | 55,432 | 59,863 | 43,365 | 71,094 | 65,762 | 55,106 |
| Partner (Temporary) (subclass 820) visa | Primary applicants | 27,097 | 28,605 | 32,448 | 36,550 | 43,713 | 52,348 |
| | Total applicants | 28,595 | 30,374 | 34,452 | 40,836 | 47,521 | 56,004 |
| Partner (Residence) (subclass 801) visa* | Primary applicants | 63,133 | 68,440 | 75,397 | 84,565 | 87,842 | 95,552 |
| | Total applicants | 66,951 | 72,806 | 80,023 | 92,746 | 94,201 | 101,850 |
| Partner Total onhand | Primary applicants | 161,060 | 156,341 | 182,334 | 181,148 | 203,979 | 213,790 |
| | Total applicants | 189,655 | 206,883 | 193,592 | 235,337 | 238,693 | 245,604 |

Note: Partner visa applications involve a two stage process, and the two applications must be lodged together. That is, the offshore Partner (Provisional) (subclass 309) visa is lodged with the Partner (Migrant) (subclass 100) visa; and the onshore Partner (Temporary) (subclass 820) visa is lodged with the Partner (Residence) (subclass 801) visa. The two applications are counted separately, and in the majority of cases decided at different times. The total onhand figures above therefore represent the total of onhand applications, and not the total of individuals.

* Second stage Partner applications (subclasses 801 Partner (Residence) visa and 100 Partner (Migrant) visa) generally become eligible for assessment two years after lodgement of the combined first/second stage application. Figures include onhand applications which are not yet eligible for assessment.

3. Can details be provided as to processing times for the 90th percentile of Partner applications in each year since 2010.

| Processing times for the 90th Percentile of Partner visa applications since 2010-11 (calendar days) | | | | | | | | | |
|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Visa Subclass | 2010-2011 | 2011-2012 | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 |
| Prospective Marriage (subclass 300) visa | 334 | 360 | 351 | 412 | 463 | 470 | 482 | 491 | 547 |
| Partner (Provisional) (subclass 309) visa | 333 | 343 | 334 | 406 | 426 | 432 | 456 | 481 | 534 |
| Partner (Migrant) (subclass 100) visa* | 560 | 508 | 378 | 416 | 529 | 526 | 734 | 861 | 767 |
| Partner (Temporary) (subclass 820) visa | 372 | 443 | 576 | 638 | 612 | 563 | 637 | 723 | 784 |
| Partner (Residence) (subclass 801) visa* | 337 | 356 | 371 | 420 | 453 | 484 | 612 | 658 | 768 |

* For second stage Partner applications (subclasses 801 Partner (permanent) visa and 100 Partner (permanent) visa) processing times are generally calculated from date of eligibility for assessment (2 years after the combined 820/801 or 309/100 application is lodged).

4. Can details be provided as to application fees for each sub-category of Partner visa for each year since 2010.

| | Visa Application Charges - 2010 to 2019 | | | | | | | | | |
|--|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| | Jul 2010 | Jul 2011 | Jul 2012 | Jul 2013 | Jul 2014 | Jul 2015 | Jul 2016 | Jul 2017 | Jul 2018 | Jul 2019 |
| Prospective Marriage subclass 300 | | | | | | | | | | |
| Primary Applicant | \$1,735 | \$1,995 | \$2,060 | \$2,680 | \$3,085 | \$6,865 | \$6,865 | \$7,000 | \$7,160 | \$7,715 |
| Adult Dependant | Nil | Nil | Nil | \$1,340 | \$1,545 | \$3,435 | \$3,435 | \$3,505 | \$3,585 | \$3,860 |
| Child Dependant | Nil | Nil | Nil | \$670 | \$770 | \$1,720 | \$1,720 | \$1,755 | \$1,795 | \$1,935 |
| Partner (offshore) subclass 309/100 | | | | | | | | | | |
| Primary Applicant | \$1,735 | \$1,995 | \$2,060 | \$2,680 | \$3,085 | \$6,865 | \$6,865 | \$7,000 | \$7,160 | \$7,715 |
| Adult Dependant | Nil | Nil | Nil | \$1,340 | \$1,545 | \$3,435 | \$3,435 | \$3,505 | \$3,585 | \$3,860 |
| Child Dependant | Nil | Nil | Nil | \$670 | \$770 | \$1,720 | \$1,720 | \$1,755 | \$1,795 | \$1,935 |
| Partner (onshore) subclass 820/801 | | | | | | | | | | |
| Primary Applicant | \$2,575 | \$2,960 | \$3,060 | \$3,975 | \$4,575 | \$6,865 | \$6,865 | \$7,000 | \$7,160 | \$7,715 |
| Adult Dependant | Nil | Nil | Nil | \$1,990 | \$2,290 | \$3,435 | \$3,435 | \$3,505 | \$3,585 | \$3,860 |
| Child Dependant | Nil | Nil | Nil | \$995 | \$1,145 | \$1,720 | \$1,720 | \$1,755 | \$1,795 | \$1,935 |

Note: Visa application charges for additional applicants were introduced on 1 July 2013.

5. Can details be provided as to estimated aggregate costs and ASL allocated to Partner visa processing in each year since 2010, including on a unit cost and ASL application finalised basis, and can details be provided as to revenue collected from Partner visa applications in each year since 2010.

Partner visa processing is undertaken both within Australia and at offshore posts. Offshore posts are responsible for processing a number of visa types including between 30 per cent to 40 per cent of all Partner visas. In offshore posts there is no demarcation or attribution of costs or staff to particular visa types. Resources are flexibly allocated to manage demand and onhand levels for all visa types processed.

The Department is not able to provide definitive overall costs or average staff levels undertaking Partner visa processing.

The Visa Application Charge (VAC) revenue collected is not available within the Department's financial system at the individual subclass level.

6. Can details be provided as to the average length of time between lodgement of Partner visa applications by sub-category and the allocation of the application to a processing officer for each year since 2010.

This information is not available.

7. Given a Migration Program ceiling of 160,000 visas per annum, can details be provided as to planning levels for each sub-category of Partner visas in 2019-20, and the three subsequent program years.

The 2019-20 Migration Program is set at a ceiling of 160,000 places. The size and composition of the permanent Migration Program is reviewed and set by the Government on an annual basis. The planning level for the Partner category is set at 39,799 places for 2019-20, and is not further broken down.

8. Can details be provided as to the forecast for Partner visa applications for 2019-20, and the three subsequent program years.

This information is not available.

9. Can details be provided as to the forecast size of the backlog at the end of 2019-20, and each subsequent program year; do these forecasts take into account the number of Australians and their partners who decide not to apply for a Partner visa due to the lengthening processing times and backlogs, and does the Government consider the decline in Partner application rates to reflect such discouragement and, ultimately, the decision of Australians and their Partners to choose to live outside of Australia; and does the Government consider this to be a positive outcome for Australia.

This information is not available.

10. Given the growing backlog of Partner visas, can details be provided as to the approach to be taken to limiting Partner visas granted in 2019-20.

The Department manages Migration Program streams in line with the planning levels and priorities set by Government.

11. Has the Government sought advice on the legal acceptability of this approach to restricting the grant of Partner visas, particularly spouse visas; if so, can a copy be provided of such advice.

Due to legal professional privilege we cannot answer this question.