

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 9 FEBRUARY 2010

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(115) Program 1.1: Visa and Migration

Senator Humphries asked:

1. How many applications for family reunion visas were made in the last financial year and in which categories? How many were for parents, aged parents, spouses, children?
2. How many were granted, how many refused and how many appealed to the Migration Review Tribunal?
3. Of those, how many were successful?
4. How do these numbers above compare with each of the previous three years?
5. What kind of bona fide checks are carried out prior to the grant of visas?
6. Has the department detected a higher level of non bona-fide applications?
7. Is there a trend? In any particular countries?

Answer:

1. **How many applications for family reunion visas were made in the last financial year and in which categories? How many were for parents, aged parents, spouses, children?**

2008/09	Applications
Partners	52 803
Child	4393
Preferential/Other Family	5262
Parent (non-aged)	10 866
Parent (aged)	1366
Family Total	74 690

2. How many were granted, how many refused and how many appealed to the Migration Review Tribunal?

2008/09	Grants	Refusals	MRT Appeals
Partners	44 413	3185	1400
Child	3256	422	199
Preferential/Other Family	2542	1097	257
Parent (non-aged)	7320	471	35
Parent (aged)	1211	184	49
Family Total	58 742	5359	1940

3. Of those, how many were successful?

2008/09	Successful MRT Appeals
Partners	829
Child	127
Preferential/Other Family	111
Parent (non-aged)	15
Parent (aged)	3
Family Total	1085

4. How do these numbers above compare with each of the previous three years?

2007/08	Applications	Grants	Refusals	MRT Appeals	Successful MRT Appeals
Partners	46 980	41 434	2754	1491	918
Child	3817	3073	515	234	78
Preferential/Other Family	4073	2362	1125	256	129
Parent (non-aged)	10 333	3945	427	37	14
Parent (aged)	1489	583	55	15	5
Family Total	66 692	51 397	4876	2033	1144

2006/07	Applications	Grants	Refusals	MRT Appeals	Successful MRT Appeals
Partners	45 311	42 156	3077	1951	1572
Child	3791	3019	415	193	62
Preferential/Other Family	3632	2121	1477	320	191
Parent (non-aged)	9452	3957	378	35	20
Parent (aged)	1586	652	41	13	9
Family Total	63 772	51 905	5388	2512	1854

2005/2006	Applications	Grants	Refusals	MRT Appeals	Successful MRT Appeals
Partners	43 714	37 906	2833	1948	1643
Child	3201	2561	377	N/A*	N/A*
Preferential/Other Family	3414	1785	1420	N/A*	N/A*
Parent (non-aged)	8106	4218	445	N/A*	N/A*
Parent (aged)	1167	651	108	N/A*	N/A*
Family Total	59 602	47 122	5183	2502	1904

*CaseMate database did not commence until April 2006, therefore further breakdown is not available

5. What kind of bona fide checks are carried out prior to the grant of visas?

Bona fide checks can vary significantly from case to case, depending on the claims made and the level of risk attached to the application. However an outline of some of the typical checks done is set out below.

The Department has in place a number of rigorous measures to prevent abuse of the Partner visa program. A two-stage approach applies to most Partner visa applications, which means that a permanent visa will only be granted if the couple can demonstrate that they are still in a genuine relationship two years after their initial application.

Other measures include:

- a limitation on repeat sponsorships; and
- a one year relationship requirement for most de facto partner applicants.

If there are serious concerns or an allegation is received about the genuineness of the relationship, the Department may also refer the case to a specialist Bona Fides Unit for further investigation and undertake additional checks, including interviews and home visits, to verify the claims.

Applicants found not to be in a genuine and continuing relationship will have their visa applications refused at either the first or second stage of processing. A visa can be cancelled if, after visa grant, it is subsequently found that fraud has been committed in relation to the application. This also applies to other family visa types.

For parent visas, checks are undertaken to ensure that applicants meet the Balance of Family test, with the ability to refer a case to the relevant overseas office to undertake a more detailed examination if necessary.

In child visa classes, DNA tests may be carried out where there are concerns about claimed biological relationships. In the adoption caseload, adoptions that have been approved through a state or territory adoption authority are subject to extensive checking as part of that process. For other adoptions, for example expatriate adoptions where the Australian sponsor has been living overseas, checks are undertaken to ensure the adoption is legal in the country where it was made.

For carer visas, sponsors are required to undergo a medical assessment by Medibank Health Solutions (MHS) and a visa can only be considered if MHS certifies they have a genuine and serious condition.

6. Has the department detected a higher level of non bona-fide applications?

Approval and refusal rates for family visas have remained relatively constant over the past four years. The Department has not detected an increase in the level of non bona fide applications.

7. Is there a trend? In any particular countries?

Application rates and approval rates vary significantly from country to country and according to different visa classes. However, no notable variations have been detected in relation to trends or patterns of non bona fide cases.