

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES - 25 FEBRUARY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE14/242) PROGRAMME – 1.1: Visa and Migration

Senator Carr (Written) asked:

1. Provide a breakdown of the case type, (in regard to the 14 000 applications processed so far) including:

- Reasons for application
- Type of visa sought
- Time taken to resolve
- Costs involved in applying
- Cost involved in reviewing
- Country of origin
- Method of arrival
- Age
- Unaccompanied minors
- Gender
- Overturned primary decisions of the RRT and MRT
- Remitted primary decisions of the RRT and MRT

Answer:

There were 13 887 reviews completed by the MRT-RRT in the period 1 July 2013 to 31 January 2014. The table at [Attachment A](#) provides a breakdown of Migration Review Tribunal (MRT) cases decided by visa category with set aside rates and average processing times. The table at [Attachment B](#) provides a breakdown of Refugee Review Tribunal (RRT) cases decided by country with set aside rates and average processing times, and whether or not the applicant was an Illegal Maritime Arrival (IMA).

Tribunal systems do not have comprehensive information or data across all case categories on a range of matters including country of origin and method of arrival of non-citizens into Australia. When an application is lodged with the tribunals, the department provides or makes available all relevant information that the department holds. Departmental files are then returned to the department once a review has been completed.

The person who applies to the tribunals in some cases is an Australian citizen or permanent resident who is the sponsor or a close relative, or an Australian company or business. A company or business is the review applicant in relation to employment or business related visas if the visa applicant is outside Australia, and in relation to the review of sponsorship and nomination decisions.

In the majority of reviews (92 per cent) completed by the tribunals in the period 1 July 2013 to 31 January 2014, the review applicant sought a review of a decision to refuse to grant a visa. A visa is typically refused as the delegate has found that the visa applicant has not met one of the criteria for the visa as set out in the *Migration Act 1958* and the *Migration Regulations 1994*. This may be a criterion specific to the visa or one of the general visa criteria such as the health criteria.

In 5 per cent of cases, the review applicant sought review of a decision to cancel a visa. A visa may be cancelled on a number of grounds including the use of false information to obtain the visa and not complying with visa conditions.

In 3 per cent of cases, the review applicant is a company, business or education provider seeking review of another kind of decision such as a sponsorship or nomination decision.

For reviews completed in the period 1 July 2013 to 31 January 2014, the average age of review applicants across all case categories other than family visas and cases where a company or business was the review applicant, was in the range of 26 to 42 years. In family visa cases the average age of review applicants was 30.

For reviews completed in the period 1 July 2013 to 31 January 2014, 68 per cent of review applicants were male and 32 per cent female.

For reviews completed in the period 1 July 2013 to 31 January 2014, 55 of the protection visa reviews completed involved a person identified as an unaccompanied minor.

The application fee for making an application to the tribunals is \$1 604. This applies in all cases except where a review is sought of a bridging visa decision by a person in immigration detention. It can be reduced by 50 per cent in cases of severe financial hardship. For protection visa cases, the fee is not payable at time of lodgement. The full fee is payable after the end of the review if the decision is that Australia does not have a protection obligation. For cases where the fee is paid at lodgement, the fee can be reduced by 50 per cent in cases of severe financial hardship, and an amount equivalent to 50 per cent of the fee is refunded at the end of the review if the decision under review is overturned.

As explained during the 25 February 2014 hearing, the tribunals do not separately cost cases by category. The cost per case in 2012-13 was \$3 747. It is likely to have reduced this year given the increased number of cases decided.

If the tribunals overturn a decision, it may set aside the decision, set aside the decision and substitute another decision, or set aside the decision and remit the matter to the department to reconsider having regard to any directions made. In visa refusal cases the tribunals almost invariably set aside and remit with a direction that the applicant meets one or more criteria. The department then considers the remaining criteria to grant the visa, including assessing any need to update health, character and security checks. In visa cancellation cases, the tribunals set aside the decision to cancel the visa. This restores the visa cancelled. In cases involving sponsorship and nomination

decisions, the decision under review may simply be set aside (e.g. in relation to a cancellation or bar decision), or a decision to approve a sponsor or nomination substituted. All overturn, remitted or set aside decisions are identified as 'set aside' in the attached tables.

ATTACHMENT A

MRT cases decided in the period 1 July 2013 to 31 January 2014

| Type of visa sought | Number of cases finalised | Set aside rate | Average processing time* |
|----------------------|---------------------------|----------------|--------------------------|
| Bridging | 215 | 9% | 11 days |
| Family | 692 | 37% | 344 days |
| Nomination/ Sponsor | 451 | 34% | 549 days |
| Other | 375 | 34% | 225 days |
| Partner | 1,149 | 47% | 480 days |
| Permanent business | 892 | 40% | 557 days |
| Skilled | 2,852 | 23% | 301 days |
| Student cancellation | 619 | 15% | 285 days |
| Student refusal | 3,524 | 22% | 445 days |
| Temporary work | 532 | 21% | 448 days |
| Visitor | 649 | 52% | 166 days |
| Total | 11,950 | 29% | |

*average calculated from date of lodgement for MRT cases

ATTACHMENT B

RRT cases decided in the period 1 July 2013 to 31 January 2014

| Country | Number of cases finalised | | | Set aside rate | Average processing time* |
|--------------|---------------------------|----------------------|--------------|----------------|--------------------------|
| | Illegal maritime arrivals | Other RRT applicants | Total | | |
| China | 0 | 398 | 398 | 10% | 218 |
| Sri Lanka | 214 | 29 | 243 | 20% | 230 |
| India | 0 | 236 | 236 | 9% | 181 |
| Pakistan | 13 | 142 | 155 | 42% | 291 |
| Lebanon | 0 | 124 | 124 | 20% | 218 |
| Nepal | 0 | 101 | 101 | 3% | 321 |
| Iran | 37 | 37 | 74 | 57% | 215 |
| Afghanistan | 65 | 5 | 70 | 69% | 163 |
| Fiji | 0 | 69 | 69 | 10% | 245 |
| Egypt | 0 | 63 | 63 | 43% | 323 |
| Bangladesh | 5 | 53 | 58 | 12% | 308 |
| Jordan | 0 | 25 | 25 | 12% | 263 |
| Zimbabwe | 0 | 24 | 24 | 25% | 327 |
| Malaysia | 0 | 23 | 23 | 13% | 148 |
| Nigeria | 0 | 20 | 20 | 10% | 308 |
| Turkey | 0 | 20 | 20 | 40% | 308 |
| Stateless | 11 | 8 | 19 | 42% | 197 |
| Indonesia | 0 | 17 | 17 | 12% | 166 |
| Iraq | 8 | 9 | 17 | 41% | 209 |
| Tonga | 0 | 15 | 15 | 13% | 104 |
| Other | 6 | 160 | 166 | 23% | 234 |
| Total | 359 | 1,578 | 1,937 | 21% | 234 |

*average calculated from the date the department's documents are provided