

## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES - 25 FEBRUARY 2014**

**IMMIGRATION AND BORDER PROTECTION PORTFOLIO**

**(AE14/598) PROGRAMME – 1.1: Visa and Migration**

Senator Singh (Written) asked:

Following from the Ministers new directive under s499 of the Migration Act directive 62, can you please advise why changes to the family stream visa applicants are being retrospectively applied to those with existing applications?

*Answer:*

Section 51 of the *Migration Act 1958* gives the Minister (or delegate) the power to ‘consider and dispose of applications for visas in such order as he or she considers appropriate.’ Direction 62 took effect on and after the date it was made by the Minister, and therefore is not retrospective. It directs delegates as to the order in which Family Stream visa applications will be processed. It has not changed the criteria that applicants must satisfy in order to be granted a Family Stream visa.