

## QUESTION TAKEN ON NOTICE

### BUDGET ESTIMATES HEARING: 26 MAY 2010

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(31) Program 1.1: Visa and Migration**

Senator Humphries (L&C 66) asked:

- (1) Is it possible to get for this financial year to date the number of refusals in these categories? I suppose that if a person applies, say, for a partner, they can either get accepted—that is, granted a visa—or they can have their application not considered because a certain number have already been accepted. In the case of non-contributory parents the quota is already filled, so they might be refused. Is it possible to say how many have been refused in those four categories (partner visas, preferential other category visas, non-contributory parent visas and contributory parent visas) you gave me in the year to date?
- (2) With respect to those who have been refused, do we have any indication of how many take appeals to the MRT and how many appeals are successful? I think we are talking here about 2008-09, if we are looking at both appeals and outcomes of appeals.
- (3) Can you give me any information about how the numbers of applicants in those various categories for applications compare with the previous three years?

*Answer:*

(1) A number of visa classes in the Family migration program can be subject to capping where demand exceeds the number of places available in the program. This means that when the number of visas set by the Minister for that class of visa has been reached, no further visas can be granted in that class for that program year. For these visa classes, the Department will continue to process visa applications even if the cap has been reached and applications are not refused because of the cap. However, no visas in that class can be granted until a place becomes available in the Migration Program, either in that year or in a later year.

Given the budgetary pressures of elderly migrants to the Australian public, there has been a limited number of Parent, and (from the 2003-04 program year) Contributory Parent, visas available each year. High demand for Parent migration has meant that there are a significant number of applicants with unfinalised applications for some visas. All Parent and Contributory Parent visa applications are assessed in order of lodgement and, if determined to satisfy the initial requirements for the grant of the visa, applicants are allocated a 'queue date' and placed in a queue. As visa places become available in the Migration Program, applications are considered for grant in order of their queue date.

The number of visa refusals for each of the Family migration programs is outlined below for the 2008-09 program year and the 2009-10 year to date as at 31 May 2010.

<b>Family Migration Program</b>	<b>2008-09</b>		<b>2009-10 as at 31 May 2010</b>	
<b>Visa Program</b>	<b>Refusals</b>	<b>Percentage (%) of Finalisations</b>	<b>Refusals</b>	<b>Percentage (%) of Finalisations</b>
Partner and Interdependency (provisional)	2043	4.7	1760	4.2
Partner and Interdependency (permanent)	1729	3.6	1287	3.3
Prospective Marriage (Temporary)	873	10.6	809	10.4
<b>Partner total</b>	<b>4645</b>	<b>4.7</b>	<b>3856</b>	<b>4.3</b>
Contributory Parent (temporary)	41	2.8	32	2.3
Contributory Parent (permanent)	134	2.0	133	1.8
<b>Contributory Parent total</b>	<b>175</b>	<b>2.2</b>	<b>165</b>	<b>1.9</b>
<b>Parent (non-contributory)</b>	<b>468</b>	<b>12.8</b>	<b>570</b>	<b>17.4</b>
<b>Other Family</b>	<b>1054</b>	<b>27.3</b>	<b>1818</b>	<b>42.7</b>
<b>Child</b>	<b>405</b>	<b>10.8</b>	<b>517</b>	<b>13</b>
<b>Total</b>	<b>6747</b>	<b>5.7</b>	<b>6926</b>	<b>6.4</b>

(2) According to the MRT's service charter, the MRT aims to finalise 70% of cases where a Family migration visa has been refused within 350 calendar days from the date an appeal is lodged. However, the MRT notes that additional time is often required to provide procedural fairness or if a hearing needs to be rescheduled. This means that an appeal may not be lodged and finalised within the same year.

The figures below outline the number of appeals that have been lodged, finalised and set aside for the 2008-09 program year and the 2009-10 program year to date as at 31 May 2010.

<b>Family Migration Program</b>	<b>2008-09</b>			<b>2009-10 as at 31 May 2010</b>		
<b>Visa Program</b>	<b>Appeals Lodged</b>	<b>Appeals Finalised</b>	<b>Decisions Set Aside</b>	<b>Appeals Lodged</b>	<b>Appeals Finalised</b>	<b>Decisions Set Aside</b>
Partner and Interdependency (provisional)	912	776	533	670	796	545
Partner and Interdependency (permanent)	210	160	81	171	147	73
Prospective Marriage (Temporary)	278	312	215	229	237	160
<b>Partner total</b>	<b>1400</b>	<b>776</b>	<b>533</b>	<b>2141</b>	<b>2353</b>	<b>1551</b>
Contributory Parent (temporary)	4	2	1	11	9	4
Contributory Parent (permanent)	28	18	8	25	19	6
<b>Contributory Parent total</b>	<b>32</b>	<b>20</b>	<b>9</b>	<b>36</b>	<b>28</b>	<b>10</b>
<b>Parent (non-contributory)</b>	<b>52</b>	<b>22</b>	<b>9</b>	<b>50</b>	<b>41</b>	<b>13</b>
<b>Other Family</b>	<b>249</b>	<b>221</b>	<b>109</b>	<b>391</b>	<b>235</b>	<b>117</b>
<b>Child</b>	<b>199</b>	<b>290</b>	<b>127</b>	<b>190</b>	<b>194</b>	<b>69</b>
<b>Total</b>	<b>1932</b>	<b>1329</b>	<b>787</b>	<b>2808</b>	<b>2851</b>	<b>1760</b>

(3) The following table outlines annual 'demand' for the specified visa categories in the period between 1 July 2006 and 31 May 2010. It records the number of applications (by client).

Where applicants have applied for a type of visa which can have more than one stage, for example a Partner visa, the table below only records the initial application. This means that applicants are only counted once.

<b>Family Migration Program</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10 to 31 May 2010</b>
Partner and Interdependency (provisional)	33201	34559	38923	36678
Partner and Interdependency (permanent)	4960	5059	5601	3994
Prospective Marriage (Temporary)	7795	7815	8919	7527
<b>Partner total</b>	<b>45956</b>	<b>47433</b>	<b>53443</b>	<b>48199</b>
Contributory Parent (temporary)	1349	1485	1449	912
Contributory Parent (permanent)	5492	6223	6805	4792
<b>Contributory Parent total</b>	<b>6841</b>	<b>7708</b>	<b>8254</b>	<b>5704</b>
<b>Parent (non-contributory)</b>	<b>4202</b>	<b>4171</b>	<b>3987</b>	<b>3757</b>
<b>Other Family</b>	<b>3628</b>	<b>4072</b>	<b>5253</b>	<b>4270</b>
<b>Child</b>	<b>3796</b>	<b>3796</b>	<b>4400</b>	<b>3953</b>
<b>Total</b>	<b>64423</b>	<b>67180</b>	<b>75337</b>	<b>65883</b>