

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21-22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0012) Program: Migration Review Tribunal and Refugee Review Tribunal

Senator Cash asked:

Is there a capacity for the MRT to revisit these cases and if fraud is identified in retrospect, can you advise the department or the Minister of this so that visas can be cancelled?

Answer:

The role of the MRT is to conduct merits review. Where the tribunal has completed its statutory functions and is *functus officio* (discharged its duty so that nothing further remains to be done), it has no power to reopen a decision that has been made and notified.