

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21-22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0284) Program 2.1: Refugee and Humanitarian Assistance

Senator Cash asked:

What is the refusal rate of primary decisions of IMA protection applications? What is the refusal rate after review? How many have then been challenged in the courts? How many negative primary and review decisions have been overturned in the courts? What is the final acceptance rate, after administrative and judicial review, of IMA's by country of origin? How does this compare internationally?

Answer:

Annual and quarterly figures for Protection visa grant and refusal rates for IMAs and non-IMAs are published on the DIAC website at:

www.immi.gov.au/media/publications/statistics/asylum/

As at 30 April 2012, the department was aware of 605 applications for judicial review of assessments made by independent reviewers, including the Independent Merits Reviewers (IMR) or the Independent Protection Assessment Office (IPAO), following the High Court decision in M61/2010. This comprises 537 matters in the Federal Magistrates Court (FMC); 66 Federal Court (FC) appeals from the FMC and two matters in the High Court (HC).

As at 30 April 2012, the Courts have handed down 156 judgments where the court has found no legal error in the IMR recommendation and 44 judgments declaring that the IMR has made a legal error.

Variance in global refugee decision rates reflect a variety of factors including:

- different characteristics of asylum seeker caseloads and claims presented;
- other alternatives for asylum seekers including humanitarian or compassionate visas, such as subsidiary protection arrangements that don't appear in refugee recognition data; and
- explicit policy directions in other countries on how to assess claims.

Figures are manually sourced from DIAC systems; the data may be subject to change.