

## **QUESTION TAKEN ON NOTICE**

### **SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 OCTOBER 2010**

#### **IMMIGRATION AND CITIZENSHIP PORTFOLIO**

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

Senator Cash asked:

In the circumstances where a Delegate proposes to reject a 457 visa application, is there an internal review process required to be undertaken prior to a final decision being made? If not, why not?

*Answer:*

There is no internal review process required to be undertaken prior to a final decision on a subclass 457 visa application.

Delegates are fully trained and there are internal processes in place to ensure that decisions are consistent. There are internal escalation procedures so that staff have the opportunity to discuss more complex cases. Team leaders may take on sensitive or very complex cases themselves. Out-posted Subject Matter Experts are also available to those seeking further advice, as are relevant legal and policy areas of the Department's National Office.

Most subclass 457 visa refusals are eligible for external review by the Migration Review Tribunal (MRT), should the applicant wish to pursue this avenue. Managers analyse all remitted decisions from the MRT and identify refusal trends as well as any training needs for staff.