

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 17 OCTOBER 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE11/0142) Program : Internal Product

Senator Cash asked:

Number of detainees in detention: Of the detainees in the various detention facilities that are asylum seekers transferred from Christmas Island, how many are attempting to challenge negative decisions through the Australian judicial system? What is the current status of reported appeals? How many cases have been or are currently before the courts?

Answer:

As at 30 September 2011, the Department had received 306 applications for judicial review of assessments made by Independent Merits Reviewers (IMR) from asylum seekers that are currently on, or have been transferred from, Christmas Island to the mainland detention facilities¹. This is broken down into 298 matters in the Federal Magistrates Court (FMC) and 8 Federal Court (FC) appeals from the FMC.

As at 30 September 2011, 73 applications had been decided by the Courts (71 matters have been decided in the FMC and 2 in the FC). There were 227 active matters in the FMC and 6 matters in the FC at that time.

¹ This question has been answered drawing from litigation statistics relating to the number of applications made to the courts. This may differ slightly from the number of asylum seekers who have sought judicial review as there may be more than one applicant listed on an application to the court.