

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES: 17 OCTOBER 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE11/0263) Program 2.1: Refugee and Humanitarian Assistance

Senator Cash asked:

How many IMAs and onshore asylum seekers have been granted visas even though they were found not to be refugees? What visa were they granted? Why were they granted those visas?

Answer:

Non-irregular maritime arrival (IMA) Protection visa applicants who are found not to be refugees and whose refusal is affirmed by the Refugee Review Tribunal may request Ministerial Intervention under Section 417 of the *Migration Act 1958* (the Act).

Figures for the number and types of visa granted through this process, and an explanation of the guidelines, are published on the DIAC website at:

<http://www.immi.gov.au/media/publications/statistics/ministerial-intervention/min-stats-australia-2010-11.pdf>

An explanation of the types of circumstances in which the Minister may intervene is available at:

<http://www.immi.gov.au/refugee/circumstances.htm>

IMAs who are found not to be refugees may not request intervention under Section 417 of the Act. The Minister may, however, exercise his discretion under Section 195A of the Act to grant a visa to a person who is in detention (including, in rare instances, IMAs) if he thinks it is in the public interest to do so. While statistics for such grants are provided in the above referenced publication, disaggregation by type of recipient is not available.