

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 15 October 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE12/0303) PROGRAM – 2.1: Refugee and Humanitarian Assistance

Senator Cash (written) asked:

How many IMAs, if any, have already applied for ministerial intervention? Are only those that arrived after 24 March 2012 able to access ministerial intervention or those who arrived prior to that date? Can you clarify exactly which cohorts will be eligible for access to the RRT and subsequently the courts and ministerial discretion? How many people do you expect that will entail? If each of them utilises every form of review, how long do you think they will remain in Australia? Are these costs reflected in the budget?

Answer:

Prior to 24 March 2012, IMAs could not request Ministerial Intervention (MI) under section 417 or section 48B of the *Migration Act 1958* (the Act). IMAs who arrived on or after 24 March 2012 but prior to 13 August 2012 are being considered through the statutory Protection Visa (PV) process. IMAs who arrived prior to 24 March 2012 but who had not yet been interviewed under the Protection Obligations Determination (POD) process by this date are being considered under the statutory Protection Visa (PV) process.

Under the statutory PV process, where an IMA has had a decision by the Refugee Review Tribunal they are eligible to request MI under section 417 and/or 48B of the Act.

For the period 24 March 2012 to 30 June 2012 there have not been any requests for Ministerial Intervention made by IMAs under section 417 or section 48B of the Act.

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/

Ministerial intervention statistics are released on a six monthly basis, once data is collected. These statistics are published on the DIAC website at:

<http://www.immi.gov.au/media/publications/statistics/ministerial-intervention/>

The number of IMAs who may access merits review by the RRT, judicial review or MI depends on a number of factors. It is not possible to predict with any reliability how long these processes may take, the length of time a failed asylum seeker may remain in Australia, or the resulting costs.