

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 November 2013

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE13/0030) PROGRAM – 1.1: Visa and Migration

Senator Seselja (L&CA 61) asked:

Ms Larkins: I am saying that we would consider character and security issues as part of the visa grant, and I do not have more detailed information with me. And we do not keep that level of information. Senator SESELJA: Once that decision is made by the department, that is then appellable where? Ms Larkins: A decision to grant or a decision to refuse? Senator SESELJA: A decision to refuse. Ms Larkins: It would depend on the grounds for refusal. It would either be to a court or to the AAT, depending on whether we are using character provisions or other provisions of the act. Senator SESELJA: So how many of those decisions to refuse have been appealed in the last— Ms Larkins: I do not have any data with me on people where there have been CGT grounds where we have refused. I would have to go and look at it. Senator SESELJA: You will take that on notice? Ms Larkins: I have only got those who have been granted.

Answer:

In 2012-13, eleven protection visas were refused on either character or security grounds. Of these, none sought review before the Administrative Appeals Tribunal of a decision to refuse their visa on character (section 501) grounds. Five sought judicial review of the decision.