

JOINT SELECT COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION NETWORK

Q66

Question: How many IMAs have sought judicial review of their decisions since the High Court case in November 2010? How many cases have been decided by the Courts? How many are pending? What is the total number of IMAs that have applied to each of the courts and which ones are they (Magistrates Court? Federal Court? High Court)? What have been the outcomes of these court reviews? Can the Department provide those decisions and transcripts?

Answer: **Applications filed**

As at 31 August 2011, the department had received 254 applications for judicial review of assessments made by Independent Merits Reviewers (IMR) following the High Court decision in M61/2010. This is broken down into 252 matters in the Federal Magistrates Court (FMC); and 2 Federal Court (FC) appeals from the FMC.

Outcomes

Forty three matters have been decided by the Courts, including 42 decided in the FMC and 1 in the FC.

FMC outcomes are broken down as follows:

Two matters where the applicants discontinued applications filed in error; **13** cases where the court dismissed the application; **6** cases where the court declared that the IMR had made a jurisdictional error in the assessment of the applicant's claims; and **21** matters where consent orders were entered into prior to the matter being heard on the basis of a concession that the IMR had made a jurisdictional error in the IMR's assessment. Two hundred and ten matters are pending in the FMC.

One matter has been resolved in the FC. In this matter, the applicant's appeal to the FC was dismissed. One matter remains pending in the FC.

The FMC and FC do not routinely publish transcripts of hearings; however we have provided copies of the judgments in the 20 matters that have been decided by the FMC and FC. Links to the judgments are also included in **attachment A** to this document.

Attachment A

Links to judgments in the IMR judicial review case load. Please note that in the matter of *SZQEL v Minister for Immigration & Anor* [2011] FMCA 581, two judgments were issued. In the matter of *MZYNI*, (Court ref MLG810/2011) no reasons were issued as the matter was dismissed on an interlocutory basis, with leave granted for the applicant to file again.

SZPAC v Minister for Immigration & Anor [2011] FMCA 517

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/517.html?stem=0&synonyms=0&query=szpac>

SZPZI v Minister for Immigration & Anor [2011] FMCA 530

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/530.html?stem=0&synonyms=0&query=szpzl>

SZQEM v Minister for Immigration & Anor [2011] FMCA 662

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/662.html?stem=0&synonyms=0&query=szqem>

SZQEK v Minister for Immigration & Anor [2011] FMCA 628

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/628.html?stem=0&synonyms=0&query=szqek>

MZYLF v Minister for Immigration & Anor [2011] FMCA 621

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/621.html?stem=0&synonyms=0&query=mzylf>

MZYLE v Minister for Immigration & Anor [2011] FMCA 589

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/589.html?stem=0&synonyms=0&query=mzyle>

SZQEN v Minister for Immigration & Anor [2011] FMCA 648

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/648.html?stem=0&synonyms=0&query=szqen>

SZQEC v Minister for Immigration & Anor [2011] FMCA 543

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/543.html?stem=0&synonyms=0&query=szqec>

SZQDZ v Minister for Immigration & Anor [2011] FMCA 652

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/652.html?stem=0&synonyms=0&query=szqdz>

SZQFK v Minister for Immigration & Anor [2011] FMCA 644

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/644.html?stem=0&synonyms=0&query=szqfk>

SZPZY v Minister for Immigration & Anor [2011] FMCA 463

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/463.html?stem=0&synonyms=0&query=szpsy>

SZQFD v Minister for Immigration & Anor [2011] FMCA 598

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/598.html?stem=0&synonyms=0&query=szqfd>

SZQFX v Minister for Immigration & Anor [2011] FMCA 642

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/642.html?stem=0&synonyms=0&query=szqfx>

SZQEL v Minister for Immigration & Anor [2011] FMCA 581

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/581.html?stem=0&synonyms=0&query=szqel>

SZQEL v Minister for Immigration & Anor (No.2) [2011] FMCA 582

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/582.html?stem=0&synonyms=0&query=szqel>

Alami v Minister for Immigration & Anor [2011] FMCA 623

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/623.html?stem=0&synonyms=0&query=alami>

Darabi v Minister for Immigration & Anor [2011] FMCA 371

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/371.html?stem=0&synonyms=0&query=darabi>

SZQFC v Minister for Immigration & Anor [2011] FMCA 663

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/663.html?stem=0&synonyms=0&query=szqfc>

SZOZU v Minister for Immigration and Citizenship [2011] FCA 1005 (FFC appeal)

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2011/1005.html?stem=0&synonyms=0&query=szozu>

SZOZU v Minister for Immigration & Anor [2011] FMCA 393 (FMC matter)

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/393.html?stem=0&synonyms=0&query=szozu>