



PARLIAMENT of AUSTRALIA

MEDIA RELEASE

Joint Standing Committee on Migration

Inquiry into review processes associated with visa cancellations made on criminal grounds

Issue date: February 2019

A voice for victims at the AAT

A parliamentary inquiry into review processes associated with visa cancellations has recommended that victims of crime be invited to make a statement at the Administrative Appeals Tribunal (AAT) when it considers appeals.

Chair of the Joint Standing Committee on Migration, Mr Jason Wood MP, said the current system is flawed and victims should be front and centre in the process – not an afterthought. ‘The offender gets the chance to tell his story and argue the case that he should stay in Australia,’ said Mr Wood, ‘I believe victims deserve the same opportunity.’

The inquiry into review processes associated with visa cancellations on criminal grounds looked into the role of the AAT in reviewing visa cancellation decisions made on character grounds.

Provisions contained in section 501 and section 116 of the *Migration Act 1958* (Cth) allow ministers or departmental delegates to cancel the visas of non-citizens who fail the character test on the grounds of bad character and/or a substantial criminal record. Decisions made by a delegate in the Department of Home Affairs can be subjected to merits review in the AAT. In recent years, the AAT has overturned around 20 per cent of the delegate’s decisions.

The Committee’s inquiry reviewed evidence around the efficiency of merits review processes and found that, while the AAT conducts merits reviews efficiently its decisions may not always meet the community’s expectations.

‘I think Australians are rightly concerned that the AAT has given a number of violent criminals and repeat offenders a reprieve,’ said Mr Wood.

‘This report recommends changing the guidelines so that decisions-makers don’t let violent criminals off the hook. Non-citizens who commit violent crimes should not be allowed to remain in Australia where they can pose an ongoing threat to our communities.’

The final report of the inquiry into merits review processes associated with visa cancellations made on criminal grounds was tabled in the House of Representatives today.

The full report can be found on the Committee’s website: www.aph.gov.au/mig

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