



Terms of reference

Mrs Chris Gallus MP
Chair
Joint Standing Committee on Migration
Parliament House
CANBERRA ACT 2600

Dear Mrs Gallus

Re: Regulation 4.31B to the Migration Regulations - Imposition of Post Decision Fee on Unsuccessful Applicants to Refugee Review Tribunal for Review of a Primary Decision - Review of Sunset Clause.

As you may be aware, the Migration Regulations (Statutory Rules 109 and 185) 1997 made changes to the existing framework for work rights, review application periods and the structure of the review application fee for both migrants and refugees.

Incorporated in the changes was the imposition of a \$1,000 Refugee Review Tribunal post-decision fee which became operational on 1 July 1997. The fee is imposed only on applicants whose primary decision to refuse to grant them protection as a refugee is affirmed by the RRT. No fee is payable if the primary decision is set aside or remitted by the Tribunal. The purpose of the measures was to deter applicants from lodging unmeritorious applications for review of primary decisions and therefore delay the consequences of refusal at primary level.

Regulation 4.31B, which imposes the fee, states that the regulation ceases to apply to applications for review made after 1 July 1999.

When the Regulation was made, Senator Amanda Vanstone undertook to ask the Joint Standing Committee on Migration to review this amendment in 1998. Therefore, I am referring the matter to the Committee for your consideration and report to Parliament prior to 30 May 1999.

Yours sincerely

Philip Ruddock
6 January 1999