
The Parliament of the Commonwealth of Australia

2001 Review of Migration Regulation 4.31B

Joint Standing Committee on Migration

June 2001
Canberra

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ISBN 064236646-2

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Foreword

Migration Regulation 4.31B imposes a \$1,000 fee on those whose claim for refugee status has been refused and whose appeal to the Refugee Review Tribunal for refugee status under the United Nations Refugee Convention and Protocol is again refused. The purpose of this fee is to deter non-genuine applications for review, that is, applications by people who know that they are not refugees and who may simply wish to extend their stay in Australia.

In 1999 the Committee reviewed the operation of Migration Regulation 4.31B and reported its conclusions and recommendations to Parliament on 30 May 1999. At the time of the review, the regulation had been in operation for a relatively short time (23 months).

The Committee concluded that the regulation may have been effective in reducing abuse, but that this was difficult to gauge, given the short time the regulation had been in place.

The Committee recommended that a sunset clause apply to the regulation and the sunset clause date adopted by the Government was 30 June 2001.

With this date approaching the Committee undertook, at the Minister's request, a further review of the regulation in March and April 2001.

The review was advertised in the daily press in each capital city on 10 February 2001 and the 18 individuals and organisations which had made submissions in 1999 were contacted about the 2001 review.

Nine of those contacted made renewed submissions, and the Committee received a total of 28 submissions from 21 organisations and individuals. These are listed in Appendix A. The Committee held public hearings in Sydney and Canberra and took evidence from five organisations. Details of the hearings and witnesses are in Appendix B.

Mrs Margaret May MP
Chair



Membership of the Committee

Chair Mrs Margaret May MP
(Chair from 6/3/2001)

Mrs Chris Gallus MP (until 30/1/01)

Deputy Chair Senator Jim McKiernan

Members	Hon Dick Adams MP (from 12/8/99)	Senator Andrew Bartlett
	Hon Bruce Baird MP	Senator Alan Eggleston
	Mr Petro Georgiou MP (from 29/3/2001)	Senator John Tierney
	Mrs Julia Irwin MP	
	Mr Bernie Ripoll MP	
	Hon Dr Andrew Theophanous MP (until 9/8/99)	

Committee Secretariat

Secretary	Mr Richard Selth
Inquiry Secretary	Dr Steve Dyer
Admin/Research Officer	Mr Vishal Pandey



Terms of reference

The Hon Philip Ruddock, Minister for Immigration and Multicultural Affairs wrote to the Chair of the Joint Standing Committee on Migration:

I am writing to you in relation to the review of Migration regulation 4.31B which imposes a \$1,000 Refugee Review Tribunal post-decision fee on persons who unsuccessfully seek review of a decision to refuse the grant of a Protection Visa...

I asked the Joint Standing Committee on Migration on 6 January 1999 to review Regulation 4.31B

In its report which was tabled on 31 May 1999 in the House of Representatives, the Committee recommended the retention of regulation 4.31B and, to allow for a more thorough assessment of the regulation's effectiveness, the Committee also recommended that it be subject to a three year sunset clause commencing on 1 July 1999. The Government accepted the Committee's findings contained in the majority report and decided to implement the recommendation for a three year extension to the sunset clause.

However, following negotiations arising from a disallowance motion relating to the regulations, the Government agreed to reduce the sunset clause to a period of two years to 30 June 2001. The Government also expressed its intention to seek a further review of Regulation 4.31B by the Committee prior to the expiry of the sunset clause on 30 June 2001...

I am referring the further review of Regulation 4.31B to the JSCM at this time to enable the Committee to consider and report on this matter in sufficient time for necessary regulations amendments to be made should they be necessary.



List of abbreviations

Amnesty	Amnesty International Australia
ACMRO	Australian Catholic Migration and Refugee Office
DIMA	Department of Immigration and Multicultural Affairs
FECCA	Federation of Ethnic Communities' Councils of Australia Inc
ICJ	International Commission of Jurists Australia section
JMVS	Justice Migration & Visa Services
KLC	Kingsford Legal Centre
MAL	Movement Alert List
MARA	Migration Agents Registration Authority
MIA	Migration Institute of Australia
MMS	Morris Migration Services
NCCA	National Council of Churches in Australia
Net I PR	Network for International Protection of Refugees
PV	Protection Visa
RACS	Refugee Advice and Casework Services (Australia) Ltd
RRT	Refugee Review Tribunal
TPV	Temporary Protection Visa
YLLRC	Young Lawyers Law Reform Committee



List of recommendations

Chapter 2 Regulation 4.31B and deterrence

Recommendation 1

The Committee recommends that DIMA systematically examine the full range of existing migration processing and review arrangements with a view to further streamlining them.

Chapter 3 Proposals for administrative changes

Recommendation 2

The Committee recommends that the activities of migration agents be brought under closer continuing scrutiny by DIMA and the Migration Agents Registration Authority.

Chapter 4 Continuation of Migration Regulation 4.31B

Recommendation 3

The Committee recommends that Migration Regulation 4.31B be retained, subject to a two-year sunset clause commencing on 1 July 2001, and that its operation be reviewed by the Committee early in 2003.

