

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Program:** Administrative Appeals Tribunal

**Question No. SBE16/059**

**Senator Macdonald asked the following question at the hearing on 18 October 2016:**

Ms Leatham: The Immigration Assessment Authority.

CHAIR: Can you just explain how that works, because haven't we rolled the immigration tribunal into the AAT? And then are we setting it up again within the AAT?

Ms Leatham: The IAA was established in April 2015 under part 7AA of the Migration Act. It is an independent authority within the Migration and Refugee Division. It commenced operations in September 2015, and the first cases were received in October 2015. It consists of the president and the division of the Migration and Refugee Division, but it also has senior reviewers and reviewers who undertake that work. It has a defined jurisdiction. So, it is dealing with decisions of the Minister for Immigration and Border Protection refusing to grant fast-track applicants' protection visas. Specifically, that cohort is unauthorised maritime arrivals who entered Australian between 13 August 2012 and 31 December 2013 who were not taken to an offshore processing country and who have been permitted by the minister to make a protection visa application. We understand that about 25,000 people are expected to fall within this definition. So, it is a time-limited agency, if you like, that will process that cohort.

...

CHAIR: Do you have statistics on the number of applications made to that special subunit?

Ms Leatham: I do.

CHAIR: That is the first question. And the second is, of appeals to the AAT, from the minister's decision in other matters.

Ms Leatham: We can tell you in relation to IAA. The first cases were referred in late October 2015. As of 30 September 2016 the IAA had been referred 886 cases, with 461 still on hand. In relation to other parts of the Migration and Refugee Division, there obviously are many categories of work there. Is there a particular type of matter you would like some information about the case load on?

CHAIR: I was really just after the lump sum of AAT appeals from the minister's decision in any category, but if you have them in some categories or special categories and that is readily available—I do not want you to take too much time looking for this. Well, give me what you have, would you?

Ms Leatham: Again, it is a complicated picture, because there are decisions of the immigration minister that do go to the General Division, as opposed to the Migration and Refugee Division. So we would need to provide you with a more detailed breakdown of the particular types.

**The answer to the honourable senator's question is as follows:**

The following table sets out the number of applications lodged with the AAT in 2015–16 for a review of decisions about different categories of visas or other visa-related decisions made by the Minister for Immigration and Border Protection or a delegate of the Minister under the *Migration Act 1958*. This does not include referrals made to the IAA.

<b>Category</b>	<b>Number of applications lodged</b>
Protection	4,622
Partner	4,218
Student refusal	2,374
Visitor	1,859
Temporary work	1,571
Nomination/Sponsor approval	1,244
Skilled	730
Family	616
Permanent business	557
Bridging	553
Student cancellation	436
Character-related decisions	77
Other	149
<b>TOTAL</b>	<b>19,006</b>

The AAT also received 275 applications for a review of decisions made under the *Australian Citizenship Act 2007*.