

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
SUPPLEMENTARY ESTIMATES
FEBRUARY 2023**

**Home Affairs Portfolio
Department of Home Affairs**

Program 2.3: Refugee Humanitarian, Settlement and Migrant Services

**SE23-525 - Legacy Caseload and Onshore Asylum - Fast Track Review
Applications sought Judicial Review**

Senator Nick McKim asked:

For the last five financial years, how many fast track review applicants have sought judicial review of their negative decision?

- a. How many have been successful and how many are yet to be decided?
i. Please break down by financial year and court.

Answer:

In the last five full financial years ending 2021-22 and the 2022-23 financial year up until 31 December 2022, there have been 6,884 fast track applicants that have sought judicial review of their negative Immigration Assessment Authority (IAA) decision. Of these, a total of 792 judicial review applications resulted in an outcome in favour of the applicant.

As at 31 December 2022, 3,638 matters remain as active undecided proceedings before the courts. These matters are broken down by financial year and court in the tables below:

Successful Outcomes for Applicants

Financial Year	Federal Circuit and Family Court	Federal Court	High Court
2017-18	<50	<50	<5
2018-19	219	99	<5
2019-20	103	<50	<50
2020-21	75	<50	<50
2021-22	82	<50	<5
2022-23*	53	<50	<5

**Please note that for the financial year 2022-23, the figures are accurate up to and including 31 December 2022.*

Unresolved Applications

Federal Circuit and Family Court	Federal Court	High Court
3,443	195	<5