

**Question on notice no. 471**

**Portfolio question number: AE21-471**

**2020-21 Additional estimates**

**Legal and Constitutional Affairs Committee, Home Affairs Portfolio**

**Senator Nick McKim:** asked the Department of Home Affairs on 22 March 2021—

What is the total number of "excluded fast track review applicants" who have not had access to the IAA?

- a. Please break down by nationality, and under each of the grounds listed in section 5A of the Migration Act.
  - i. How many have been successfully appealed?
  - ii. How many have been removed from Australia?
  - iii. Please break down by nationality.

**Answer —**

Please see the attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS**  
**ADDITIONAL ESTIMATES**  
**22 MARCH 2021**

**Home Affairs Portfolio**  
**Department of Home Affairs**

**Program 2.4: Refugee and Humanitarian Assistance**  
**AE21-471 - Fast track review applicants - access to the IAA**

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- a. Please break down by nationality, and under each of the grounds listed in section 5A of the Migration Act.
  - i. How many have been successfully appealed?
  - ii. How many have been removed from Australia?
  - iii. Please break down by nationality.

*Answer:*

As at 31 January 2021, 70 persons have been found to be an 'excluded fast track review applicant' and did not have access to merits review of the decision to refuse their Protection visa application by the IAA (Immigration Assessment Authority) or the AAT (Administrative Appeals Tribunal). They have access to judicial review.

**Excluded fast track review applicants by Citizenship**

<b>Citizenship</b>	<b>Total</b>
Afghanistan	22
Iran	7
Iraq	11
Pakistan	6
Sri Lanka	12
Other	12
<b>Total</b>	<b>70</b>

These persons were found to be a 'excluded fast track review applicant' under the following provisions of the *Migration Act 1958*:

Provision	Total
s5(a)(i) - Covered by s91C or s91N	7
s5(a)(ii) - Previously in Australia & previous protection visa application refused or withdrawn	<5
s5(a)(iii) - Protection claims refused by a country other than Australia	21
s5(a)(vi) - Bogus document	38
s5(aa) - Manifestly unfounded claim	<5
<b>Total</b>	<b>70</b>

Of the total, 63 persons applied for judicial review. 13 have successfully appealed the refusal decision at judicial review.

Of the total, 7 persons are not in Australia as at 31 January 2021.

#### **Excluded fast track review applicants not in Australia by Citizenship**

Citizenship	Total
Afghanistan	<5
Pakistan	<5
Sri Lanka	<5
<b>Grand Total</b>	<b>7</b>