

Question on notice no. 167

Portfolio question number: AE22-167

2021-22 Additional estimates

Legal and Constitutional Affairs Committee, Home Affairs Portfolio

Senator Nick McKim: asked the Department of Home Affairs on 14 February 2022

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

Questions on Notice from Senator Nick McKim

20

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

Answer —

Please see the attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL BUDGET ESTIMATES
14 FEBRUARY 2022**

**Home Affairs Portfolio
Department of Home Affairs**

Program 2.4: IMA Offshore Management

AE22-167 - Access to the IAA

Senator Nick McKim asked:

What is the total number of "excluded fast track review applicants" who have not had 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.
- b. How many have been successfully appealed?
- c. How many have been involuntarily removed from Australia?
- d. Please break down by nationality.

Answer:

- As at 31 January 2022, 85 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

| Citizenship | Total |
|--------------------|--------------|
| AFGHANISTAN | 27 |
| SRI LANKA | 14 |
| IRAQ | 14 |
| IRAN | 8 |
| PAKISTAN | 7 |
| Other | 15 |
| Total | 85 |

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

| Provision | Total |
|---|--------------|
| s5(a)(i) - Covered by s91C or s91N | 11 |
| s5(a)(ii) - Previously in Australia & previous protection visa application refused or withdrawn | 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 | 26 |
| s5(a)(vi) - Bogus document | 43 |
| s5(aa) - Manifestly unfounded claim | <5 |
| Total | 85 |

- Of the total, 70 persons applied for judicial review and 26 have successfully appealed the refusal decision at judicial review.
- Of the total, less than five persons have been involuntarily removed and are not in Australia as at 31 January 2022.

Excluded fast track review applicants involuntarily removed and not in Australia by Citizenship

| Citizenship | Total |
|--------------------|--------------|
| Afghanistan | <5 |
| Sri Lanka | <5 |