

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES – 26 – 27 MAY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE14/163) PROGRAMME – Internal Product

Senator Carr (Written) asked:

What is ministerial direction 57?

Answer:

Under section 499(1) of the *Migration Act 1958* ('the Act'), the Minister for Immigration and Border Protection ('the Minister') may give a written direction to persons or bodies that perform functions or exercise powers under this Act if the direction is about:

- (a) the performance of those functions; or
- (b) the exercise of those powers.

Direction No. 57 – Order of consideration for processing Protection visas was issued by the Minister under section 499(1) of the Act on 25 June 2013 with effect from 1 July 2013. It provides direction to officers who are making decisions on Protection visa applications under section 65 of the Act and to tribunals reviewing decisions by delegates of the Minister to refuse Protection visa applications.

The direction relates to the order of priority for processing of applications. The direction prioritises applications by persons who arrived legally over those of persons who arrived as illegal maritime arrivals or who otherwise arrived without a valid visa.

Under section 499(2A) of the Act, delegates and tribunals must comply with this direction.