

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET ESTIMATES 2017

Administrative Appeals Tribunal

Question No. BE17-100

Senator McKim asked the following question on 25 May 2017:

Senator McKIM: Ms Haddad, in case I have not asked for it – sorry, I have just asked for a lot of things – can I ask for this, please. Can I have the statistics on decision outcomes for the IAA on the one hand and the rest of the section 473D reviews in the AAT on the other hand – so the fast-track versus the standard cohort, if I can put it that way.

Ms Haddad: So other protection visa cases?

Senator McKIM: Yes, and the affirm rate for each, broken down by nationality if possible.

Ms Haddad: I should point out or clarify that, earlier, the 88 per cent for the AAT affirm rate also includes cases where the applicant has withdrawn their application for review or where the tribunal has found there is no jurisdiction to conduct the review.

Senator McKIM: So they are classified as affirms?

Ms Haddad: Well, the figures I had were the set-asides, if you like – the 12 per cent. Everything else is not necessarily an affirm.

Senator McKIM: Thank you. I appreciate that. I am happy to take the figures as set-asides if that would make it easier or more useful for us all.

Ms Haddad: It is probably simpler.

The response to the honourable Senator's question is as follows:

The following table sets out for the 2015–16 financial year and the 2016–17 financial year to 30 April 2017 broken down by the country of origin recorded for the applicant:

- the total number of protection (refugee) visa cases finalised by the Administrative Appeals Tribunal's Migration & Refugee Division under Part 7 of the *Migration Act 1958* and the proportion of those cases in which the Tribunal varied the decision under review, remitted the matter for reconsideration in accordance with directions or recommendations or set the decision aside and substituted a new decision
- the total number of referrals finalised by the Immigration Assessment Authority under Part 7AA of the *Migration Act 1958* and the proportion of those referrals in which the Authority remitted the matter for reconsideration in accordance with directions or recommendations.

Country	2015-16				2016-17 to 30 April			
	IAA		AAT		IAA		AAT	
	Total no. of cases	Remitted	Total no. of cases	Varied, remitted or set aside	Total no. of cases	Remitted	Total no. of cases	Varied, remitted or set aside
Afghanistan	18	11%	140	66%	109	28%	22	77%
Albania	1	0%			1	0%		
Bangladesh	6	0%	210	11%	41	7%	127	19%
China			481	10%			401	10%
Egypt			87	28%	4	25%	68	22%
Fiji			128	3%			98	8%
India			381	4%			205	6%
Indonesia			42	7%			44	9%
Iran	28	46%	168	46%	233	31%	139	53%
Iraq	27	22%	33	61%	100	17%	22	50%
Jordan			24	17%				
Lebanon			84	10%	16	6%	70	24%
Malaysia			568	2%			1,626	1%
Myanmar	1	100%			7	29%		
Nepal			103	1%	5	0%	117	2%
Nigeria			23	30%			20	15%
Pakistan	2	0%	218	27%	29	24%	275	26%
Papua New Guinea							31	35%
Sri Lanka	46	30%	497	20%	653	10%	131	18%
Taiwan							16	0%
Turkey			25	36%	1	0%	16	38%
Vietnam	1	0%	56	16%	55	16%	125	10%
Zimbabwe			23	35%				
Stateless			33	45%			19	58%
Other			276	18%	2	0%	244	23%
TOTAL	130	28%	3,600	16%	1,256	17%	3,816	12%

Note: Grey cells indicate that no cases were recorded for that country for that reporting period.