

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 22 May 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE17/157) - Ministerial interventions - Programme 2.3: Visas

Senator McKim, Nick (L&CA) written:

1. The numbers of requests for Ministerial Intervention made under the Minister's personal powers in ss 351, 417 of the Migration Act 1958 in the 2015-2016 program year. Of the number of requests made, how many requests were referred to the Minister for his personal consideration?

2. The specific outcomes of Ministerial intervention (i.e visa grant, residence determination approval or denial, lifting the bar to allow a valid application by a person otherwise barred), when the Minister decides to exercise his power, separately outlined under each power (ie s351, 417, 195A, 46A, 46B)

3. In relation to the Minister's exercise of personal powers under ss 46A(2) and 46B(2) in the 2015-2016 program year:

- The number of times the Minister exercised the powers under ss 46A(2) and 46B(2) in the program year;
- In relation to the above, the subclass/subclasses of visa that the Minister has permitted the requestor to apply for by exercise of his powers under s 46A(2) and 46B(2);
- How many instances over the program year has the Minister exercised his power under s 46A(2) and 46(2) to allow a person to apply for a visa other than a Protection visa?

Answer:

Question 1:

In 2015-16, the Department received and referred the following requests for ministerial intervention under the *Migration Act 1958*:

Section	Requests received	Requests referred to the Minister by the Department
351	1,820 (in relation to 2,566 persons)	1,505 (in relation to 2,334 persons)
417	1,235 (in relation to 1,682 persons)	790 (in relation to 1,125 persons)

Question 2:

In 2015-16, the Minister intervened as follows:

- s351 – granted visas to 564 persons
- s417 – granted visas to 99 persons
- s195A – granted visas to 169 persons
- s197AB – granted residence determination for 305 persons

Question 3:

Under sections 46A(2) and 46B(2) of the *Migration Act 1958*, the Minister may exercise his powers to lift the legislative bar which prevents certain non-citizens from making an application for a visa. Where he exercises these powers, the Minister specifies a class of visa for which the person may apply. The Minister may also lift the bar on making a visa application for a single client multiple times.

In 2015-16, the Minister exercised these powers on 24,120 occasions covering 23,014 non-citizens. The vast majority of occasions were to enable the illegal maritime arrivals (IMAs) who form part of the IMA Legacy Caseload to lodge applications for a Temporary Protection (XD subclass 785) or Safe Haven Enterprise (XE subclass 790) visa.

On 6,693 occasions, the Minister exercised his powers to enable IMAs to lodge a Bridging Visa E.

In less than 40 occasions, the Minister exercised his powers to enable the lodgment of applications for the following visa classes:

Visa name	Class	Subclass
Humanitarian Stay (Temporary)	UK	449
Spouse	BS	801
Spouse (Extended Eligibility)	UK	820
Enforcement Visa	ZE	985