

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 22 May 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE17/294) - Statistics - Breakdown of refugee matters referred to the AAT -

Senator Carr, Kim (L&CA) written:

Provide the following for the previous financial years (2012/2013, 2013/2014, 2014/2015, 2015/2016, 2016/2017)

- Number of refugee cases overturned by the AAT where the Immigration Minister has appealed or sought a judicial review:
- Number of refugee cases overturned by the AAT where the Immigration Minister has unsuccessfully appealed or sought a judicial review
- Number of other migration matters cases overturned by the AAT the Immigration Minister has successfully appealed
- Number of other migration matters overturned by the AAT the Immigration Minister has unsuccessfully appealed:

Answer:

1. According to the records in the Department's Legal Information System the Minister for Immigration and Border Protection applied, between 1 July 2012 and 23 May 2017, to the Federal Circuit Court for judicial review of a decision of the Migration and Refugee Division (MRD) of the Administrative Appeals Tribunal (AAT) (formerly the Refugee Review Tribunal) in a total number of 12 matters where the visa applicant had applied for a Protection visa.

Seven of these matters were filed in 2012/13 and five in 2016/17. There were no judicial review matters commenced by the Minister in relation to Protection visa decisions made by the MRD of the AAT in 2013/14, 2014/15 or 2015/16.

2. Of the seven matters filed in 2012/13, the Minister was successful in two matters, was unsuccessful in two and withdrew prior to judgment in three matters. The five matters filed in financial year 2016/17 up to 23 May 2017 are still before the Federal Circuit Court.
3. According to the records in the Department's Legal Information System the Minister for Immigration and Border Protection applied, between 1 July 2012 and 23 May 2017, to the Federal Circuit Court for judicial review of a decision of the MRD of the AAT (formerly the Migration Review Tribunal) in a total number of 7 matters where the visa applicant had applied for a visa other than a Protection visa (eg. a Family or Skilled visa).

Six of these matters were filed in 2012/13 and one in 2014/15. There were no judicial review matters commenced by the Minister in relation to decisions made by the MRD of the AAT in respect of visas other than Protection visas in 2013/14, 2015/16 or 2016/17.

4. Of these seven matters, the Minister was successful in six matters (made up of four Minister wins and two withdrawals by the visa applicant) and withdrew prior to judgment in one matter in the Federal Circuit Court. The Minister was subsequently unsuccessful in defending one of the Minister wins on appeal to the Full Federal Court.