

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 21 FEBRUARY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(105) Program 2.1: Refugee and Humanitarian Assistance

Senator Abetz (L&CA 116-118) asked:

In relation to IMA processes and non IMA processes, in 2008, 2009 and 2010

- 1) What number of initially unsuccessful asylum seeker applications were reversed on appeal and what written substantiation was required in these instances?
- 2) Is there a lot more work involved for a departmental official in rejecting an application than there is in giving it a tick and allowing it to go through?
- 3) Provide a random sample.

Answer:

1) In relation to non-IMA Protection visa applications, the table below shows the number of negative primary decisions on asylum seekers' Protection visa applications that were remitted by the Refugee Review Tribunal (RRT).

Calendar Year	RRT Remits
2008	604
2009	659
2010	754

Note: Calendar year figures relating to 2009-10 are as revised at the end of 2009-10 (data extracted from DIAC systems on 2 July 2010). Figures relating to 2010-11 are provisional (data extracted on 25 February 2011). RRT remit figures are calculations from DIAC systems data. DIAC statistics count all individuals, whereas RRT statistics count the number of cases which may cover several people.

In relation to irregular maritime arrivals, according to DIAC systems data extracted on 8 April 2011, the review overturn figures were as follows:

Calendar Year	Overturns at review
2008	0
2009	0
2010	480

Note: These figures refer to outcomes recorded in DIAC systems after review rather than recommendations at review, and therefore may differ from such figures previously published.

Cases that go to appeal have the opportunity to prepare detailed written submission to support the claims made, including new information or any new claims.

(2) The work involved in either refusing or approving a request for refugee status is similar in requirements and all such assessments are afforded appropriate consideration by departmental officers. The time involved will depend upon the circumstances of each applicant and the claims they present.

All claims for refugee protection are assessed on an individual basis against the same legal criteria, namely the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (the Refugees Convention), relevant case law and policy. They must also meet legislative requirements including health, character and security before being considered for the grant of a Protection visa that allows them to remain in Australia.

The complexity of an individual's case will also affect the time needed for consideration of their claims. This may include the details of their claims, availability of relevant country information, identity concerns and in addition, procedural fairness obligations which may arise. All of these factors can increase the amount of time taken to assess an applicant's request for refugee status.

If there is little or no information that is adverse to the applicant's claims then the assessment time would not be as lengthy. In those circumstances, an approval can be simpler to finalise than a refusal.

3) It would not be appropriate to provide a random sample of assessment records. The templates for decision records are attached.