

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(AE12/0297) Program 3.1: Offshore Entry Person – Ministerial interventions

Senator Cash asked:

Under the new policy of onshore processing, what is the status now of an Offshore Entry Person? Does this mean that all IMAs now not only have access to the courts but to Ministerial intervention?

Answer:

An Offshore Entry Person will retain that status while they remain in Australia unlawfully.

A single Protection visa process will provide IMAs access to merits review at the Refugee Review Tribunal (RRT). An applicant whose refusal is affirmed by the RRT may request Ministerial intervention under section 417 or section 48B of the *Migration Act 1958*.