

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES - 25 FEBRUARY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE14/129) PROGRAMME – 1.1: Visa and Migration

Senator Carr (Written) asked:

What is the current process undertaken by the department once a request for Ministerial Intervention has been made?

Answer:

When a request for ministerial intervention under section 345, 351, 391, 417, 454 or 501J of the *Migration Act 1958* is received, the department assesses it against the Minister's Guidelines for referral. All first requests are referred to the Minister regardless of whether they meet the guidelines. Requests that meet the guidelines are referred in a detailed submission. Requests that do not meet the guidelines are referred in a summary schedule. Repeat requests are only referred if they contain new, substantive information which brings the case within the guidelines.

Requests for intervention under section 48B are assessed by the department against the Minister's guidelines and are referred to the Minister in a detailed submission if they meet the guidelines. Requests that do not meet the guidelines are not referred and are finalised by the department.

Under the Minister's section 195A guidelines, individuals cannot directly request intervention under section 195A of the Act. When the department identifies that consideration under section 195A is appropriate, a guidelines assessment is conducted. If an individual meets the guidelines, they are referred to the Minister on a detailed submission. Individuals who do not meet the guidelines are referred to the Minister on a summary schedule.

The department acts on the Minister's decision under these powers, including advising the client or their authorised representative of the outcome of the request and obtaining further information if requested by the Minister.