

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES - 25 FEBRUARY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE14/276) PROGRAMME – 1.1: Visa and Migration

Senator Carr (Written) asked:

Directive 62 regarding lowest priority processing for those asylum seekers who arrived by boat.

- (a) How many asylum seekers are currently affected by this directive (i.e. how many asylum seeker applications for a family migration visa have been lodged and are currently pending)?
- (b) How many of these applications have been made by Unaccompanied Minors (UAMs)?
- (c) How many places are currently available under the family reunion stream?
- (d) Is it correct to say this is the most commonly used subclass for people seeking family reunion (whether UAMs or not)? What is the average length of time for such an application to be processed?
- (e) What effect do you think this will have on people seeking to be reunited with their families?
- (f) Do you think it will act as a deterrent to people potentially considering getting to Australia by boat?
- (g) What is the length of stay granted by the family reunion visa? Is it a pathway to permanent residency/citizenship?
- (h) Are people who have already been granted permanent protection affected by this directive?
- (i) If yes, what was the reason for the retrospective application of this directive?
- (j) What about people who have already paid the fee and are awaiting for an outcome whom this directive affects? Will they get a refund? If not, why?
- (k) How much is the fee?

Answer:

- (a) It is not possible to report on the number of applicants currently affected by the Direction, because a) the Family Stream of the Migration Programme is oversubscribed and there is a pipeline of on-hand applications that await processing; b) a sponsor's status (whether they are an Illegal Maritime Arrival (IMA) or not) is assessed once processing of an application has commenced; and c) the priority status of an application can change if or when a sponsor becomes an Australian citizen.
- (b) This information is not available.

- (c) As at 28 February 2014, there are 16 793 places remaining in the Family Stream of the Migration Programme for 2013-14. The Family Stream of the Migration Programme is made up of a number of visa subclasses. Of the remaining places, there are 12 687 for Partner, 1 099 for Child, 2 906 for Parent, and 101 for Other Family.
- (d) The Family Stream of the Migration Programme facilitates family reunion. The Partner visa category is the most common Family Stream visa category. Of the 60 885 places allocated under the Family Stream of the Migration Programme, 47 525 are for Partner visas. The current processing time for partner visas exceeds 12 months.
- (e) Given the current global demand for Family Stream visas, applicants with IMA sponsors will wait a number of years to have their visas processed.
- (f) The government believes that Direction 62 will act as a further disincentive for people considering taking a dangerous boat journey to Australia.
- (g) The Partner visa application process is a two stage process. Typically, there is a two-year period from the grant of the temporary partner visa before applicants are eligible for a permanent visa. The permanent partner visa is a pathway to citizenship. A full list of Family Stream visas, their periods of stay and the relevant permanent visa pathway is at Attachment A.
- (h) Applicants sponsored by people who arrived in Australia as an IMA and hold a permanent visa (such as a subclass 866 Protection Visa) are affected by Direction 62.
- (i) Direction 62 took effect on and after the date it was made by the Minister, and therefore is not retrospective. It directs delegates as to the order in which Family Stream visa applications will be processed. It has not changed the criteria that applicants must satisfy in order to be granted a Family Stream visa.
- (j) Applicants who have lodged valid applications and have paid the Visa Application Charge (VAC) will have their applications processed in accordance with the priority processing direction.

They are not eligible for a refund, even if they withdraw their application. Under migration legislation, a refund of the VAC may only be considered if the application was unnecessary at the time it was made, the application is made because of a mistake made by the department or the applicant dies before a decision is made.

- (k) Current VACs for Family Stream visas can be found at Attachment B.

**ATTACHMENT A to QUESTION TAKEN ON NOTICE AE14/276 on
Direction 62**

ADDITIONAL BUDGET ESTIMATES HEARING: 25 February 2014

The following table identifies all family stream visas and whether they are temporary or permanent, the length of stay and the possible pathway to a permanent visa:

Category	Visa subclass	Time period	Permanent or Temporary or Pathway to permanent
Partner	Partner (subclass 309)	Entry/stay in A/a until the permanent Partner visa is decided (usually 2 years)	Pathway to permanent 100 Partner visa.
	Prospective marriage (subclass 300)	Up to nine months	Pathway to 2 stage permanent 820/801 Partner visa if the visa holder marries their sponsor.
	Partner 100	Enter/remain in Australia indefinitely (travel facility valid for 5years – RRV is required to re-enter Australia if travelling after 5 years)	Permanent
	Partner 801	Remain in Australia indefinitely (travel facility valid for 5yrs – RRV is required to re-enter Australia if travelling after 5 years)	Permanent
Child	Child (802/101)	NA	Permanent
	Orphan relative (subclass 117 or 837)	NA	Permanent
	Adoption (subclass 102)	NA	Permanent
	Dependent child (subclass 445)	Valid while the parent's temporary Partner is still in effect. It ceases once the parent's permanent Partner visa application is decided	Pathway to a child's permanent Partner visa (must be applied for before the parent's permanent Partner visa is decided)
Parent	Parent (migrant) (subclass 103)	NA	Permanent
	Aged parent	NA	Permanent

Category	Visa subclass	Time period	Permanent or Temporary or Pathway to permanent
	(residence) (subclass 804)		
	Contributory parent (migrant) (subclass 143)	NA	Permanent
	Contributory parent (temporary) (subclass 173)	Up to two years	Pathway to permanent Contributory Parent 143 visa
	Contributory aged parent (residence) (subclass 864)	NA	Permanent
	Contributory aged parent (temporary) (subclass 884)	Up to two years	Pathway to Contributory aged parent 864 visa
Other Family	Aged dependent relative (subclass 114)	NA	Permanent
	Remaining relative (subclass 115)	NA	Permanent
	Carer (subclass 116 & 836)	NA	Permanent
	Aged dependent relative (subclass 838)	NA	Permanent
	Remaining relative (subclass 835)	NA	Permanent
	Orphan Relative (subclass 837) visa	NA	Permanent

ATTACHMENT B TO QUESTION TAKEN ON NOTICE AE14/276

ADDITIONAL BUDGET ESTIMATES HEARING: 25 February 2014

Standard visa costs per person (as at 22 March 2014)

Visa Subclass	Base Application Charge	Additional Applicant – 18 and over	Additional Applicant – under 18
PARTNER			
Partner (subclass 309/100)	\$3085	\$1545	\$770
Prospective marriage (subclass 300)	\$3085	\$1545	\$770
Partner (subclass 820/801)	\$4575	\$2290	\$1145
CHILD			
Child (subclass 101)	\$2370	\$1185	\$595
Child (subclass 802) – applicant in Australia	\$3520	\$1760	\$880
Orphan relative (subclass 117 or 837)	\$1450	\$725	\$365
Adoption (subclass 102)	\$2370	\$1185	\$595
Dependent child (subclass 445)	\$2370	\$1185	\$595
PARENT			
Parent (migrant) (subclass 103) 1 st instalment 2 nd instalment	\$2370 \$2065	\$1185	\$595
TOTAL	\$4435		
Aged parent (residence) (subclass 804) 1 st instalment 2 nd instalment	\$3520 \$2065	\$1760	\$880
TOTAL	\$5585		
Contributory parent (migrant) (subclass 143) 1 st instalment 2 nd instalment	\$3520 \$43600	\$1185	\$595
TOTAL	\$47120		
Contributory parent (temporary) (subclass 173) 1 st instalment 2 nd instalment	\$2370 \$29 130	\$1185	\$595
TOTAL	\$31 500		
Contributory aged parent (residence) (subclass 864) 1 st instalment 2 nd instalment	\$3520 \$43600	\$1760	\$880
TOTAL	\$47120		
Contributory aged parent (temporary) (subclass 884) 1 st instalment 2 nd instalment	\$3520 \$29 130	\$1760	\$880
TOTAL	\$32 650		

OTHER FAMILY			
Aged dependent relative (subclass 114)			
1 st instalment	\$2370	\$1185	\$595
2 nd instalment	\$2065		
TOTAL	\$4435		
Remaining relative (subclass 115)			
1 st instalment	\$2370	\$1185	\$595
2 nd instalment	\$2065		
TOTAL	\$4435		
Carer (subclass 116)			
1 st instalment	\$1450	\$725	\$365
2 nd instalment	\$2065		
TOTAL	\$3515		
Aged dependent relative (subclass 838)			
1 st instalment	\$3520	\$1760	\$880
2 nd instalment	\$2065		
TOTAL	\$5585		
Remaining relative (subclass 835)			
1 st instalment	\$3520	\$1760	\$880
2 nd instalment	\$2065		
TOTAL	\$5585		
Carer (subclass 836)			
1 st instalment	\$1450	\$725	\$365
2 nd instalment	\$2065		
TOTAL	\$3515		