

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
FEDERAL COURT OF AUSTRALIA

**Question No. 150**

**Senator Bartlett asked the following question at the hearing on 24 May 2007:**

For the period 2005 to date (24 May 2007), please provide a breakdown of the number of appeals that deal with protection visa applications (and any others that come through the RRT/MRT) compared to the total number of appeals.

**The answer to the honourable senator's question is as follows:**

The Federal Court hears and determines proceedings in relation to decisions under the *Migration Act 1958* (Cth) at first instance and on appeal from either a Judge of the Court or a Federal Magistrate. On 1 December 2005 the Migration Act was amended to limit the Federal Court's original jurisdiction – this has meant that since that date almost all first instance migration cases are dealt with by the Federal Magistrates Court.

The breakdown of Migration Act matters in the Court's original jurisdiction is set out in the following table.

	<b>2005-06</b>	<b>2006-07</b> (at 6 June 2007)
Applications for review in relation to protection visa decisions	51	4
Applications for review in relation to other migration decisions	77	39
Total applications for review in relation to migration decisions	128	43
Total first instance applications	4,829	3,305
Applications for migration review as percentage of all applications	2.65%	1.3%

The breakdown of Migration Act matters in the Court's appellate jurisdiction is set out in the following table.

	<b>2005-06</b>	<b>2006-07</b> (at 6 June 2007)
Appeals in relation to protection visa decisions	980	868
Appeals in relation to other migration decisions	70	95
Total appeals in relation to migration decisions	1,050	963
Total appeals	1,329	1,278
Appeals in relation to migration decisions as percentage of all appeals	79.0%	75.4%