

**QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 24 MAY 2011**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(BE11/0778) Program 6.1: Multicultural and Citizenship Services**

Senator Michaelia Cash (Written) asked:

What were the reasons for these (citizenship decisions) being overturned?

*Answer:*

The decisions to refuse Australian citizenship were overturned because the Administrative Appeals Tribunal (AAT) considered afresh the facts, law and policy relating to the citizenship decision and decided that the original decision was incorrect or did not apply the preferred discretion, as set out in the *Australian Citizenship Act 2007* (the Act), to the individual case.

Section 52 of the Act sets out the types of citizenship decisions that may be reviewed by the AAT.

Alternatively, if the decisions were overturned by the Federal Court of Australia, it was because the Federal Court interpreted the statutory law and applied it to the particular decision to refuse Australian citizenship.