

## QUESTION TAKEN ON NOTICE

### BUDGET ESTIMATES HEARING: 21-22 MAY 2012

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(BE12/0013) Program: Migration Review Tribunal and Refugee Review Tribunal**

Senator Cash asked:

In how many cases considered by the MRT has the Department indicated that they believed rejected applications were fraudulent by year since 2008/09 to the year to date? Can you break this down by post considering the initial application, the nationality of the applicant, the age of the applicant and the visas sub-class related to the application? Can you summarise the nature of the fraud found by the Department in these cases, by visa sub-class and post and outline the nature of the supporting evidence provided by the Department to support their decision? In how many of these cases, involving applications rejected due in part or whole to the Department's views that the applications were fraudulent, has the MRT overturned the rejection decision by the department by year and post? On what grounds has the MRT dismissed the Department's claim that the application was fraudulent? Also, how many has the MRT affirmed the rejection decision by the Department by year and post? On what grounds has the MRT set aside the decision or rejected the Department's claim that the application was fraudulent?

*Answer:*

The MRT's role is to conduct a full, final merits review and deal with cases *de novo*. The Department does not flag with the MRT when there are investigations or suspicions that an application is fraudulent. Individual delegates of the Minister may record in their respective decision records concerns or findings about fraudulent documents and/or allegations of fraud. The Tribunals do not record statistical information on the number of fraudulent documents provided by review applicants.