

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21-22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0068) Program: Internal Product

Senator Cash asked

How many IMA's who have completed their IMR review and have a negative RSA are seeking further review in the courts or the RRT? Who is paying their legal expenses?

Answer:

We understand your question to be referring to the IMAs who had sought judicial review of IMR recommendations and also to IMAs who, following the move to the single statutory Protection visa process from 24 March 2012, may be seeking RRT review of Protection visa refusal decisions.

As at 30 April 2012, 537 applications for judicial review of IMR recommendations had been filed in the Federal Magistrates' Court. No IMAs who were able to apply for protection visas post 24 March 2012 had sought RRT review of protection visa refusal decisions as at 30 April 2012. The RRT advised the Senate Estimates Committee on 21 May 2012 that, as at that date, five applications had been received.

Unless the court makes orders to the contrary, the Department does not pay the legal expenses of IMAs who have applied for judicial review. Those who are legally represented may have engaged their own representation at their own expense or successfully sought access to Legal Aid or community legal centres; or the court may have appointed representation for them on a no fee basis.