

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 27-28 May 2013

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE13/0421) PROGRAM –

Senator Cash (Written) asked:

- How many IMA's, if any, have already applied for ministerial intervention?
- Are only those that arrived after 24 March 2012 able to access ministerial intervention or those who arrived prior to that date?
- Can you clarify exactly which cohorts will be eligible for access to the RRT and subsequently the courts and ministerial discretion?
- How many people do you expect that will entail?
- If each of them utilises every form of review, how long do you think they will remain in Australia?
- Are these costs reflected in the budget?

Answer:

Ministerial intervention statistics are released on a six monthly basis and published on the DIAC website at: <http://www.immi.gov.au/media/publications/statistics/ministerial-intervention/>. These statistics do not separately identify requests made by Irregular Maritime Arrivals (IMAs).

Ministerial intervention is only available for IMAs who have had their protection claims considered through the statutory Protection visa process. This includes the following cohorts:

- IMAs who arrived before 24 March 2012 but who had not been interviewed under the Protection Obligations Determination (POD), and thus moved into the statutory Protection visa process; and
- IMAs who arrived on or after 24 March 2012.

IMAs whose applications for protection are decided under the statutory Protection Visa process have access to merits review by the Refugee Review Tribunal, judicial review and Ministerial Intervention.

The number of people who could be expected to avail themselves of merits review, judicial review and Ministerial Intervention will depend on the number who are eligible at any one time and their personal circumstances. As such, it is not possible to predict those numbers. Similarly, processing times for each element vary significantly depending on individual cases.

Applications for merits review and Ministerial Intervention requests from eligible IMAs are treated in the same way as those from any other eligible person and it is not possible to separately identify the associated costs.

The Annual Report (<http://www.immi.gov.au/about/reports/annual/2011-12/pdf/report-on-performance.pdf>) indicates on page 37 the cost of the program for 2011–12. Final figures for 2012–13 will be published in the 2012–13 annual report on the DIAC website.