



## Freedom of Information Request: FA 19/10/01629

1. Number of Ministerial requests/referrals for consideration and time intervened under s.46A(2) of the Migration Act 1958 (Cth) for the period 01 July 2017 to 29 October 2019.

No documents exist.

Reporting on ministerial intervention under section 46A(2) of the Migration Act 1958 (the Act) is not available due to administrative complexities. Section 46A(2) of the Act applies to all unauthorised maritime arrivals (UMAs), and is used to enable a visa applicant to apply for a specified class of visa.

The visa application bar is re-enlivened should the visa applicant fail to apply for the visa specified, or should that visa cease. Accordingly, a single applicant may be subject to the application bar and the Minister's intervention on multiple occasions in a given year.

Further, the mechanism used to enable the Minister to lift the bar varies depending on the circumstances.

2. Number of Ministerial requests/referrals for consideration and time intervened under s.48B of the Migration Act 1958 (Cth) in the period from 01 July 2017 to 29 October 2019.

Ministerial Intervention under section 48B of the Migration Act 1958*			
	2017 - 18	2018 - 2019	2019 - 20 (as at 31/01/2020)
# received by Department	634	703	377
# referred to the Minister	20	12	21
# intervened by the Minister	18	<5	0

\* Requests for ministerial intervention under s48B of the Act in one program year may not be referred to the Minister and considered by the Minister in the same program year. Therefore, data relating to requests for ministerial intervention received, referrals and interventions made in a program year cannot be directly compared.

3. Number of Ministerial requests/referrals for consideration and time intervened under s.91L of the Migration Act 1958 (Cth) in the period from 01 July 2017 to 29 October 2019.

Table 2: Ministerial Intervention under section 91L of the Migration Act 1958*			
	2017 - 18	2018 - 2019	2019 - 20 (as at 31/01/2020)
# applicants affected by s91K application bar	0	<5	2200
# referred to the Minister	0	<5	2200
# intervened by the Minister	0	<5	2200**
# s91k bar lifted	0	<5	53***

\* Protection visa applicants affected by s91K of the Act in one program year may not be referred to the Minister and considered by the Minister in the same program year. Therefore, data relating to applicants affected, referrals and interventions made in a program year cannot be directly compared.

\*\* The determinations that 'lift the bar' for DBB16 affected persons do not take effect unless and until the person is given written notice of the determination.

\*\*\* The number of written notices given to DBB16 affected persons. The Department is prioritising those in detention and those lodging subsequent applications.

4. Number of Ministerial requests/referrals for consideration and time intervened under s.91Q of the Migration Act 1958 (Cth) in the period from 01 July 2017 to 29 October 2019.

Table 3: Ministerial Intervention under section 91Q of the Migration Act 1958*			
	2017 - 18	2018 - 2019	2019 - 20 (as at 31/01/2020)
# applicants affected by s91P application bar	164	51	23
# referred to the Minister	33	28	0
# intervened by the Minister	33	0	<5

\* Protection visa applicants affected by s91P of the Act in one program year may not be referred to the Minister and considered by the Minister in the same program year. Therefore, data relating to applicants affected, referrals and interventions made in a program year cannot be directly compared.

5. *Number of Ministerial requests/referrals for consideration and time intervened under s.195A of the Migration Act 1958 (Cth) in the period 01 July 2017 to 29 October 2019.*

In the period 1 July 2017 to 30 September 2019, 1,739 cases (covering 1,851 persons) were referred to a Minister under section 195A of the Act. During the same period, a Minister intervened under section 195A to grant a visa in 1,431 cases (covering 1,515 individuals).

6. *Number of Ministerial requests/referrals for consideration and time intervened under sections 417 and 351 (combined) of the Migration Act 1958 (Cth) in the period 01 July 2017 to 29 October 2019.*

In the period 1 July 2017 to 30 September 2019, 733 cases (covering 1,334 persons) were referred to a Minister under sections 351 and 417 of the Act. During the same period, a Minister intervened under section 351 or 417 to grant a visa in 315 cases (covering 548 individuals).

7. *Number of Ministerial requests/referrals for consideration and time intervened under s.501(3) of the Migration Act 1958 (Cth) in the period from 01 July 2017 to 29 October 2019.*

s501 cancelled and refused visa pursuant to section 501(3) of the Act in the period from 1 July 2017 to 30 October 2019.

Power	Cancelled	Refused
s501(3)(a) (Refusal without Natural Justice - National Interest)		<5
s501(3)(b) (Cancellation without Natural Justice - National Interest)	24	