



Freedom of Information Request FA 19/11/00020

- 1) *What was the average number of days taken for a request for Ministerial Intervention pursuant to sections 46A and 46B of the Migration Act to be decided in 2013, 2014, 2015, 2016, 2017 and 2018?*

Response:

Generally, processes relating to s46A and s48B bar lifts are initiated by the Department of Home Affairs without a formal request from an individual. The lifting of these bars is an administrative function that allows management of persons on a Bridging visa or allows a person to apply for a Protection visa onshore. As there is no formal process in which a person requests a bar lift, the Department is unable to provide the average number of days from request to a bar being lifted.

The Department notes that the Minister's s46A and s48B bar lift powers are non-compellable, meaning the Minister is under no obligation to exercise or to consider exercising these powers. The Minister is not bound by any time frames when considering whether to lift these bars.

- 2) *How many times did the Minister exercise the powers under section 46A(2) and 46B(2) of the Migration Act to allow a person to apply for a Bridging Visa in 2013, 2014, 2015, 2016, 2017 and 2018?*

Response:

In departmental systems, recording the specific visa associated to a bar lift decision was only introduced as an option in 2015, and only made mandatory in February 2017. As such, the numbers in the table below does not capture all the bar lifts during the periods covered by this request. The resources required to manually interrogate systems to individually identify where a bar lift led to a grant of a specific visa would be too onerous.

Section 46A interventions

Year	Total
2013	NA
2014	NA
2015	>5252
2016	>1030
2017	>534
2018	856

Section 46B interventions.

Any person administratively effected by the s46B bar is also necessarily effected by the s46A bar. If a s46B bar is lifted in order to facilitate the lodgement of visa applications, it will always be done in conjunction with a s46A bar lift, and will be recorded as such. The resources required to manually and individually interrogate all s46A bar lift records to identify the s46B bar lift which allowed a person to apply for a Bridging visa would be too onerous and constitute an unreasonable diversion of resources.