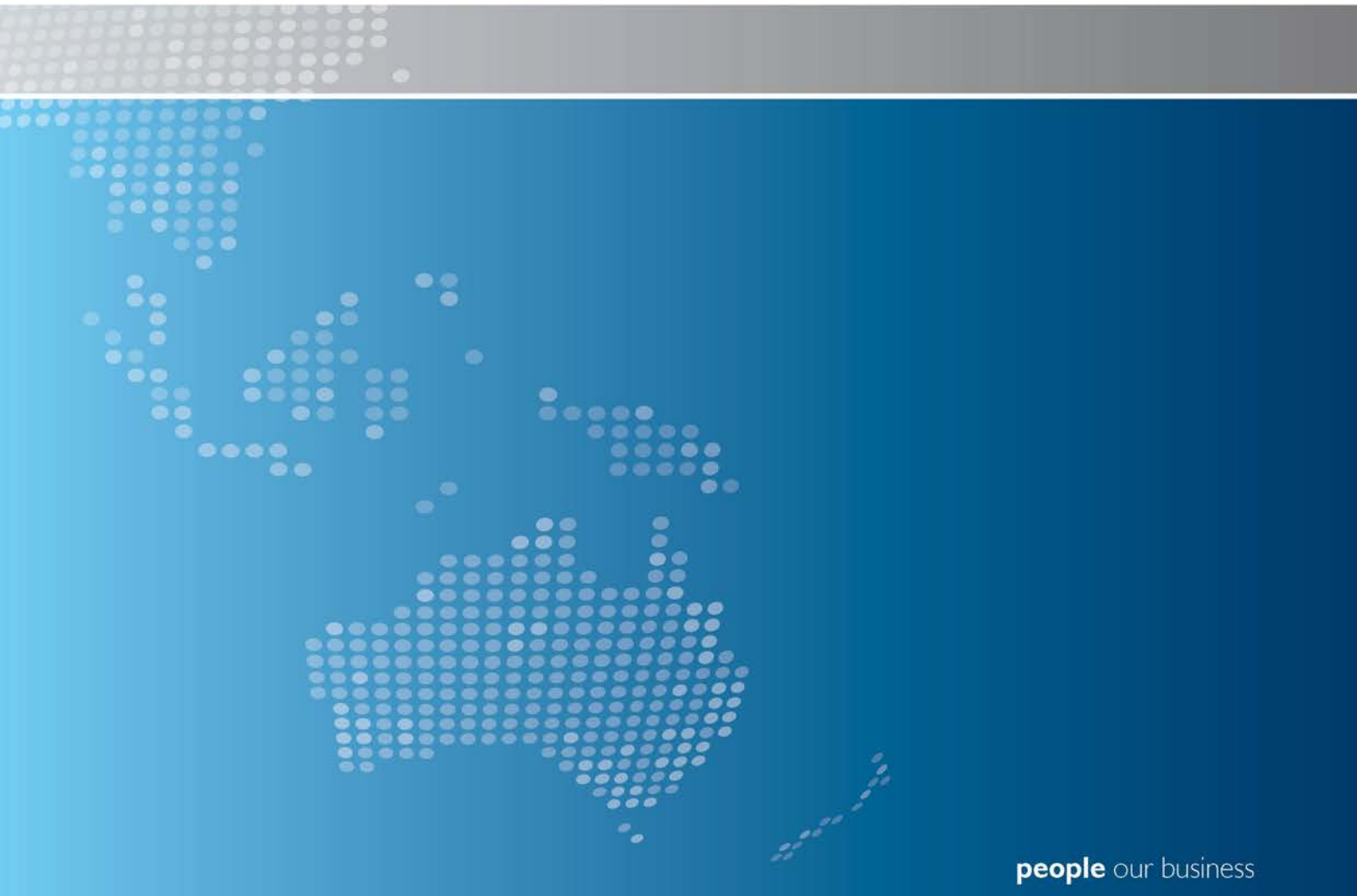
Australian Government
Department of Immigration and Citizenship

Ministerial Intervention Statistics - Australia

2011-12



people our business

Ministerial Intervention Statistics – Australia: 2011-12 was prepared by Systems, Program Evidence and Knowledge Section in consultation with Ministerial Intervention Policy Section of the Department of Immigration and Citizenship (DIAC) in Australia.

For enquiries about the contents of this publication please write to:

Systems, Program Evidence and Knowledge Section
Department of Immigration and Citizenship
PO Box 25
Belconnen ACT 2616
Australia

Email: pv data@immi.gov.au

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Background

This publication provides statistical information about requests for Ministerial Intervention for the program year 2011-12.

The *Migration Act 1958* (the Act) and the *Migration Regulations* 1994 (the Regulations) provide a structured statutory framework for the implementation and management of Australia's migration and humanitarian program. This framework includes very detailed and specific criteria that must be satisfied before a non-citizen can be granted a visa to travel to, enter and remain in Australia. While the legislative framework allows a high degree of transparency and equity in visa decision making, its highly prescriptive nature means it cannot address every situation where there may be compelling reasons for a person to be permitted to remain in Australia.

Independent merits review is available to unsuccessful visa applicants in Australia through the Tribunals. However the Tribunals, like departmental decision-makers, are bound by the Act and Regulations - therefore they do not have discretion to grant a visa where a person does not meet the applicable visa criteria, no matter how compelling the tribunal believes the person's situation may be.

The Act provides the Minister of Immigration and Citizenship (the Minister) with a range of powers to provide particular benefits to individual cases, if he thinks it is in the public interest to do so. These are commonly referred to as the Minister's public interest powers.
For instance:

- under section 48B of the Act, the Minister can intervene to allow a person who has had a Protection visa (PV) refused or cancelled to make a new PV application onshore;
- under sections 351, 391, 417, 454 and 501J, the Minister can substitute a decision more favourable to a person for a decision made by a review tribunal;
- under section 345, the Minister could substitute a decision made by a review officer prior to I June 1999 for another decision in terms to which the applicant agreed; and
- under section 195A, the Minister can grant a visa to a person in immigration detention.

The public interest powers provide the Minister with flexibility within the visa framework to assist a person who is in exceptional or unforseen circumstances or subject to unintended consequences of the migration laws.

The Minister's public interest powers are:

- non-delegable – decisions must be made by the Minster personally or where appropriate by the Parliamentary Secretary or another Minister;
- non-compellable – the Minister does not have a duty to consider whether to exercise the powers;
- non-reviewable – Ministerial decisions made under these powers are not reviewable by the tribunals and cannot be overturned by the courts; and
- subject to reporting to Parliament – the Minister is required to table in Parliament a statement of reasons when these powers are used.

As Ministerial Intervention is intended to act as a 'safety net', the Minister will generally only intervene in a relatively small number of cases.

Figures presented relate to the number of events (such as a request received, or a visa granted) in a given time period, and represent number of persons rather than cases.

Section 1

Requests and Outcomes

Summary of Ministerial Intervention Requests

Table 1: Summary of Ministerial Intervention Requests and Outcomes[1] during 2011-12

Event	Minister's public interest powers							
	2010-11				2011-12			
	s417	s351	s48B	Other powers[2]	s417	s351	s48B	Other powers[3]
Requests received[4]	2551	1262	743	59	2024	1547	1694[5]	2852
Requests finalised by the Department[6]	958	367	851	3	610	407	1660	6
Requests finalised by Minister (Total)	1987	941	56	58	1318	1168	25	2804
• intervene to allow client to apply for a further Protection visa (PV)	na	na	31	na	na	na	8	na
• visa granted	385	302	na	52	458	449	na	2803
• excluding visa grants[7] and decisions to intervene to allow client to apply for further PV	1602	639	25	6	860	719	17	1
Events as percentages								
Ministerial decisions to allow client to apply for a further PV as a percentage of Minister's finalisations	na	na	55%	na	na	na	32%	na
Visa grants as a percentage of Minister's finalisations	19%	32%	na	90%	35%	38%	Na	100%

Source: DIAC Systems

[1] The number of requests received does not equate to the number of outcomes – some requests received in previous years may have been finalised in this period. There may have been requests received in the period which were in the process of being finalised at the time of publication.

[2] Other powers include s195A, s345, s391, s454 and s501J.

[3] Other powers include s195A, s345, s391, s454 and s501J. On 13 October 2011, the Government announced that it will be making greater use of existing powers to more flexibly manage IMAs to Australia. The Minister has agreed to use his non-compellable intervention power under s195A of the Act to allow IMAs to live in the community on bridging visas while their claims for protection are being considered. In addition to the existing community detention arrangements, the grant of a bridging visa will allow residence in the general community while refugee claims are assessed. Temporary Bridging Visas E (BVEs) are being granted in a staged orderly manner, using a prioritisation model which considers clients on a case by case basis. As of 30 June 2012, 2741 BVEs were granted through MI under s195A to eligible IMAs.

[4] Requests for Ministerial Intervention under s345, s351, s391, s417, s454, s501J and s48B are made by either the client or their authorised representative. A review tribunal may refer a case to the Department for Ministerial Intervention. In some circumstances the Department may also initiate requests under powers specified above. However, requests for Ministerial Intervention under s195A can only be initiated by the Department.

[5] The increase in the number of MI requests under s48B in program year 2011-12 has been significant because most of these requests were departmentally initiated after the implementation of complementary protection legislation on 24 March 2012. It ensured that any requests under active consideration against section 417 guidelines and raising protection claims were assessed under s48B in view of the client then being potentially directed down the statutory PV process with the lifting of the 48A bar.

[6] For Ministerial Intervention under s345, s351, s391, s417, s454 and s501J, this includes requests finalised as inappropriate to consider, requests finalised as no powers were available, and repeat requests not referred to the Minister as they did not meet the guidelines for referral. For Ministerial Intervention under s48B, this includes requests which did not meet the s48B guidelines and were not referred to the Minister. This outcome is not applicable for Ministerial Intervention under s195A as requests under this section can only be initiated by the Department.

[7] Includes decisions by the Minister to not consider a request, to consider a request but not intervene, and to intervene under another power.

na – Not applicable

Figure 1: Requests finalised by Minister under different public interest powers[8]

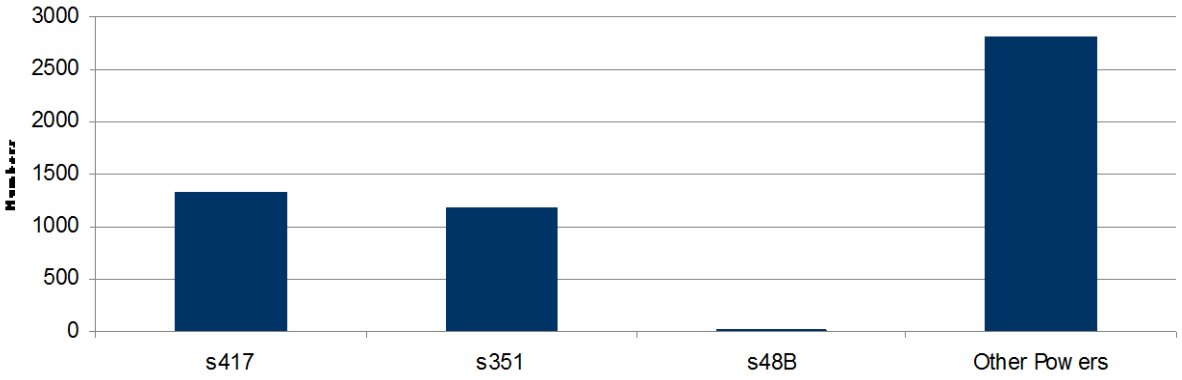
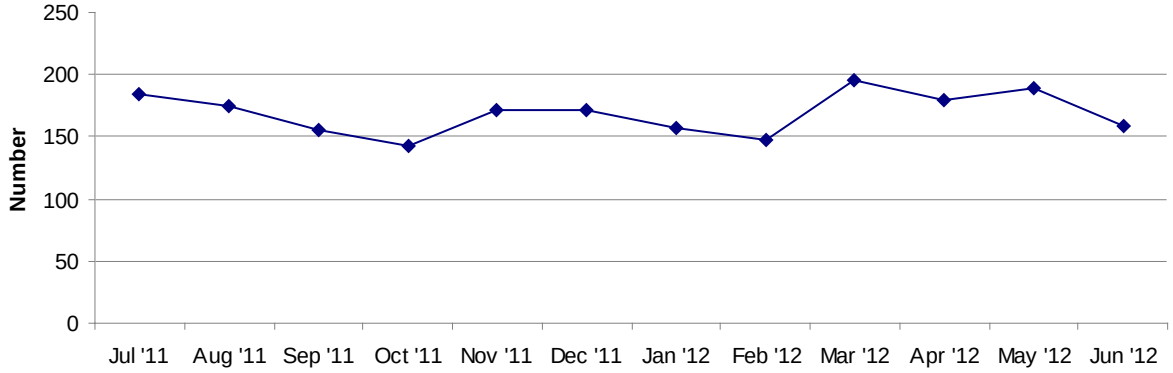


Table 2: Ministerial Intervention Requests and Outcomes under s417

Event	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
Requests received[9]	2551	2024	999	1025
Requests finalised by the Department[10]	958	610	343	267
Requests finalised by Minister (visa granted)	385	458	245	213
Requests finalised by Minister (excluding visa grants)[11]	1602	860	500	360

Source: DIAC Systems

Figure 2: Ministerial Intervention under s417: Requests received by month



[8] The number of requests finalised by the Minister under s48B are too small and hence do not feature in Figure 1.

[9] Requests for Ministerial Intervention under s417 are made by either the client or their authorised representative. A review tribunal may refer a case to the Department for Ministerial Intervention. In some circumstances the Department may also initiate requests under this power.

[10] For Ministerial Intervention under s417, this includes requests finalised as inappropriate to consider, requests finalised as no powers were available, and repeat requests not referred to the Minister as they did not meet the guidelines for referral.

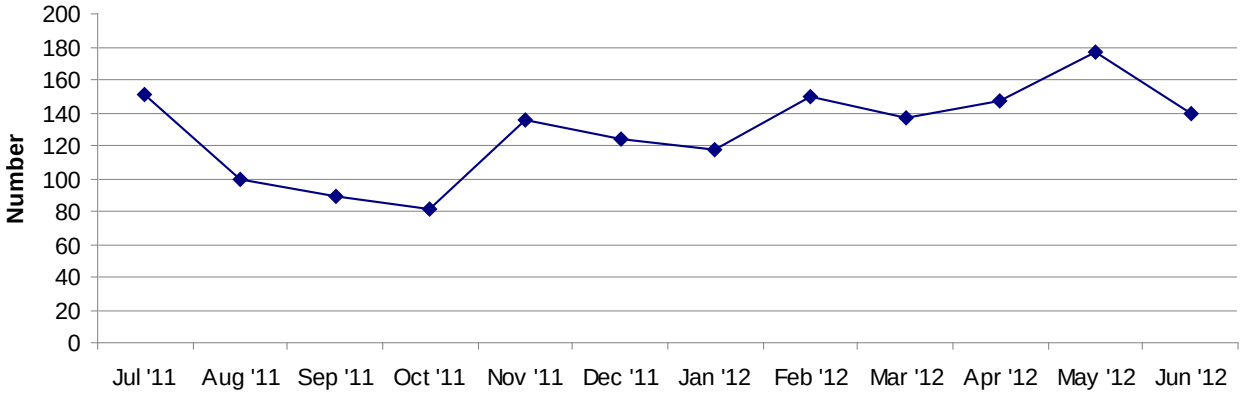
[11] Includes decisions by the Minister to not consider a request, to consider the request but not to intervene, and to intervene under another power.

Table 3: Ministerial Intervention Requests and Outcomes under s351

Event	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
Requests received[12]	1262	1547	679	868
Requests finalised by the Department[13]	367	407	201	206
Requests finalised by Minister (visa granted)	302	449	169	280
Requests finalised by Minister (excluding visa grants)[14]	639	719	402	317

Source: DIAC Systems

Figure 3: Ministerial Intervention under s351: Requests received by month



[12] Requests for Ministerial Intervention under s351 are made by either the client or their authorised representative. A review tribunal may refer a case to the Department for Ministerial Intervention. In some circumstances the Department may also initiate requests under this power.

[13] For Ministerial Intervention under s351, this includes requests finalised as inappropriate to consider, requests finalised as no powers were available and repeat requests not referred to the Minister as they did not meet the guidelines for referral.

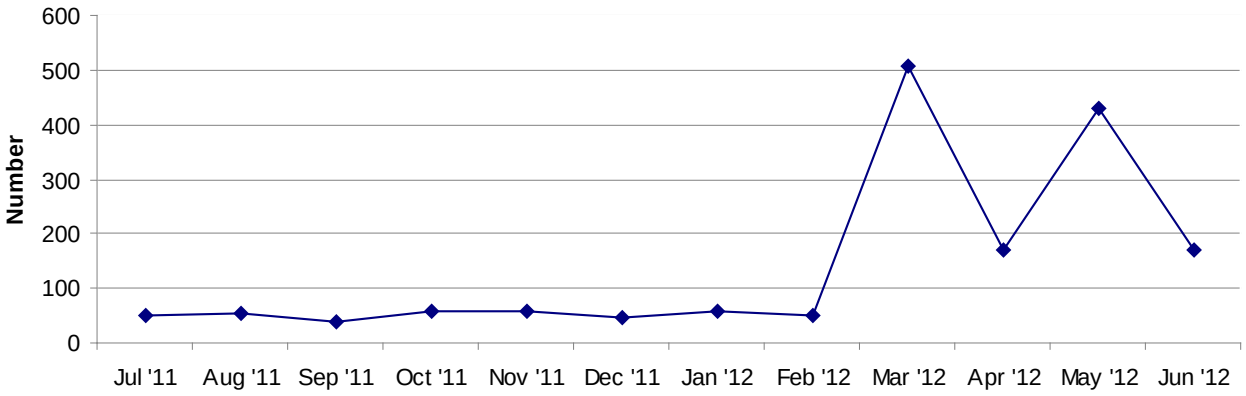
[14] Includes decisions by the Minister to not consider a request, to consider the request but not intervene, and to intervene under another power.

Table 4: Ministerial Intervention Requests and Outcomes under s48B

Event	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
Requests received[15]	743	1694	308	1386
Requests finalised by the Department[16]	851	1660	341	1319
Requests finalised by Minister (decision not to intervene)	25	17	13	4
Requests finalised by Minister (intervene to allow client to apply for a further PV)	31	8	2	6

Source: DIAC Systems

Figure 4: Ministerial Intervention under s48B: Requests received by month



[15] Requests for Ministerial Intervention under s48B are made by either the client or their authorised representative. In some circumstances the Department may also initiate requests under this power. The reason for the increase in the number of MI requests under s48B in program year 2011-12 has been explained in footnote 5 on page 1.

[16] Requests which did not meet the s48B guidelines and were not referred to the Minister.

Table 5: Ministerial Intervention Requests and Outcomes under sections 195A, 345, 391, 454 and 501J

Event	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
Requests received[17]	59	2852	140	2712
Requests finalised by the Department[18]	3	6	1	5
Requests finalised by Minister (visa granted)	52	2803	138	2665
Requests finalised by Minister (excluding visa grants)[19]	6	1	1	0

Source: DIAC Systems

[17] Requests for Ministerial Intervention under s345, s391, s454 and s501J are made by either the client or their authorised representative. A review tribunal may refer a case to the Department for Ministerial Intervention. In some circumstances the Department may also initiate requests under powers specified above. However, requests for Ministerial Intervention under s195A can only be initiated by the Department.

[18] For Ministerial Intervention under s345, s391, s454 and s501J, this includes requests finalised as inappropriate to consider, requests finalised as no powers were available and repeat requests not referred to the Minister as they did not meet the guidelines for referral. This outcome is not applicable for Ministerial Intervention under s195A as requests under this section can only be initiated by the Department.

[19] Includes decisions by the Minister to not consider a request, to consider the request but not intervene, and to intervene under another power.

Section 2

Citizenship and Visa subclass

Section 417 of the Migration Act

Table 6: Number of Ministerial Intervention requests received under s417 by top 10 countries of citizenship in the 2011-12 program year

Citizenship	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
China, Peoples Republic of	495	405	204	201
Fiji	376	270	173	97
India	311	232	88	144
Egypt, Arab Republic of	73	112	55	57
Indonesia	166	84	54	30
Korea, Republic of	98	82	40	42
Lebanon	98	72	19	53
Philippines	68	61	32	29
Sri Lanka	70	61	38	23
Bangladesh	108	55	27	28
Others	688	590	269	321
Total	**2551**	**2024**	**999**	**1025**

Source: DIAC Systems

Figure 5: Ministerial Intervention requests received under s417 by top 10 countries of citizenship in the 2011-12 program year

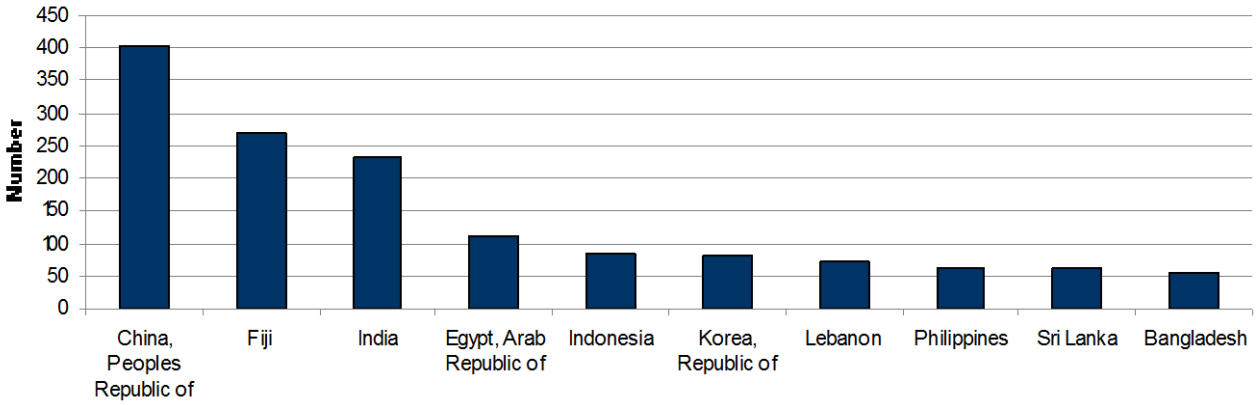


Table 7: Number of visas granted through Ministerial Intervention under s417 by top 10 countries of citizenship in the 2011-12 program year

Citizenship	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
Korea, Republic of	41	74	51	23
Fiji	33	47	23	24
China, Peoples Republic of	35	39	19	20
Indonesia	67	34	16	18
Sri Lanka	19	32	15	17
Philippines	21	28	19	9
Vietnam	4	17	13	4
Egypt, Arab Republic of	14	16	5	11
India	14	12	5	7
Lebanon	14	12	3	9
South Africa, Republic of	5	12	3	9
Others	118	135	73	62
Total	**385**	**458**	**245**	**213**

Source: DIAC Systems

Figure 6: Visas granted through Ministerial Intervention under s417 by top 10 countries of citizenship in the 2011-12 program year

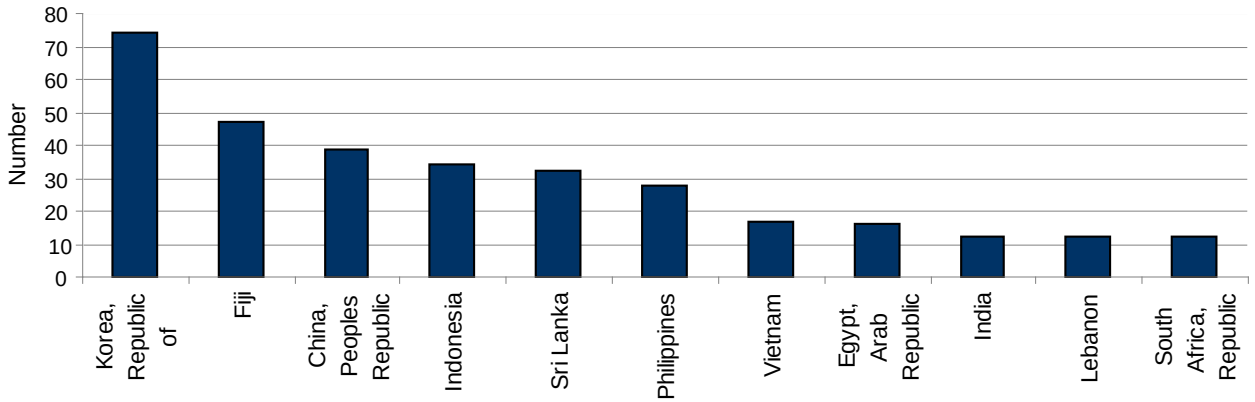
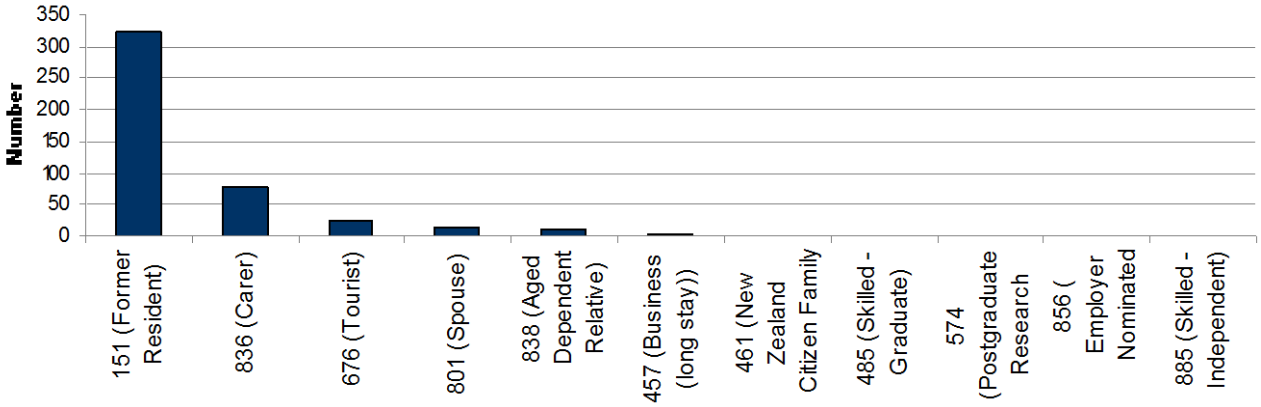


Table 8: Number of visas granted through Ministerial Intervention under s417 by top 10 visa subclasses in the 2011-12 program year

Visa subclasses	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
151 (Former Resident)	232	324	152	172
836 (Carer)	63	77	61	16
676 (Tourist)	40	25	16	9
801 (Spouse)	8	12	6	6
838 (Aged Dependent Relative)	21	10	7	3
457 (Business (long stay))	1	5	1	4
461 (New Zealand Citizen Family Relationship (Temporary))	0	1	0	1
485 (Skilled - Graduate)	0	1	0	1
574 (Postgraduate Research Sector)	0	1	0	1
856 (Employer Nominated Scheme)	1	1	1	0
885 (Skilled - Independent)	0	1	1	0
Other	19	0	0	0
Total	**385**	**458**	**245**	**213**

Source: DIAC Systems

Figure 7: Visas granted through Ministerial Intervention under s417 by top 10 visa subclasses in the 2011-12 program year[20]



[20] The number of grants through Ministerial Intervention under s417 for some of visa subclasses is very small and hence, these grants do not feature in Figure 7.

Section 351 of the Migration Act

Table 9: Number of Ministerial Intervention requests received under s351 by top 10 countries of citizenship in the 2011-12 program year

Citizenship	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
India	216	498	180	318
China, Peoples Republic of	150	152	92	60
Korea, Republic of	138	66	24	42
Philippines	65	63	32	31
Lebanon	44	62	28	34
United Kingdom	40	55	30	25
Fiji	53	48	19	29
Nepal	19	41	19	22
Vietnam	40	40	19	21
South Africa, Republic of	12	38	16	22
Others	485	484	220	264
Total	**1262**	**1547**	**679**	**868**

Source: DIAC Systems

Figure 8: Ministerial Intervention requests received under s351 by top 10 countries of citizenship in the 2011-12 program year

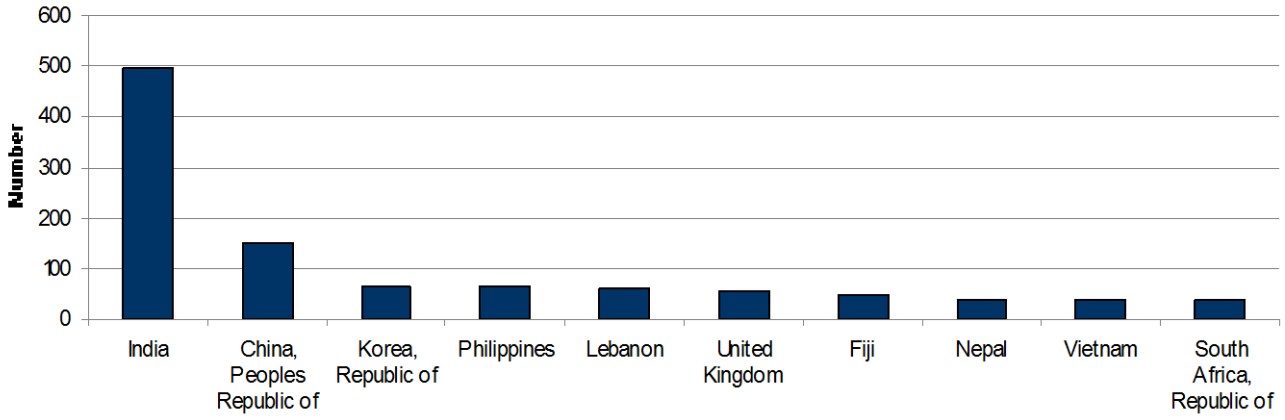


Table 10: Number of visas granted through Ministerial Intervention under s351 by top 10 countries of citizenship in the 2011-12 program year

Citizenship	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
Korea, Republic of	22	85	32	53
India	11	48	9	39
China, Peoples Republic of	15	38	8	30
Philippines	14	26	2	24
United Kingdom	35	20	12	8
Malaysia	4	16	2	14
South Africa, Republic of	14	13	10	3
Bangladesh	5	11	4	7
Fiji	22	11	5	6
Indonesia	15	10	8	2
Vietnam	10	10	4	6
Others	135	161	73	88
Total	**302**	**449**	**169**	**280**

Source: DIAC Systems

Figure 9: Visas granted through Ministerial Intervention under s351 by top 10 countries of citizenship in the 2011-12 program year

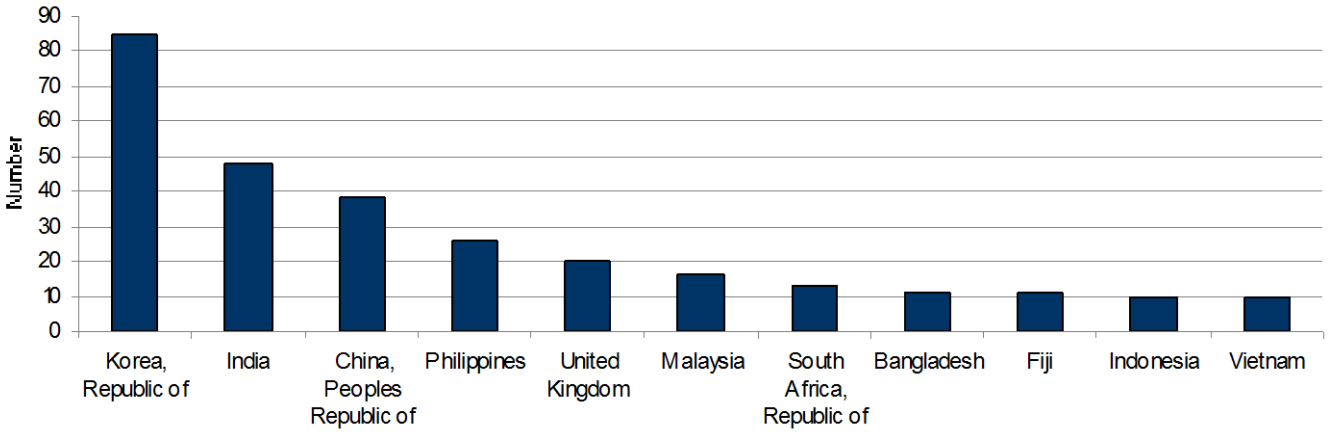
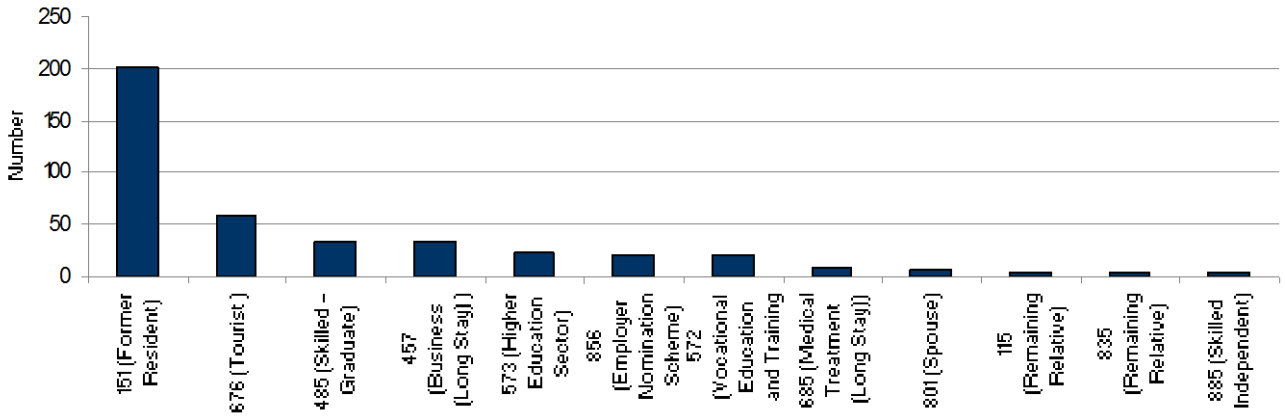


Table 11: Number of visas granted through Ministerial Intervention under s351 by top 10 visa subclasses in the 2011-12 program year

Visa subclasses	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
151 (Former Resident)	111	202	58	144
676 (Tourist)	64	58	27	31
485 (Skilled – Graduate)	27	34	13	21
457 (Business (Long Stay))	5	33	15	18
573 (Higher Education Sector)	5	23	9	14
856 (Employer Nomination Scheme)	5	21	2	19
572 (Vocational Education and Training Sector)	2	20	2	18
685 (Medical Treatment (Long Stay))	28	8	8	0
801 (Spouse)	3	7	4	3
115 (Remaining Relative)	6	5	4	1
835 (Remaining Relative)	10	5	5	0
885 (Skilled Independent)	8	5	4	1
Others	28	28	18	10
Total	**302**	**449**	**169**	**280**

Source: DIAC Systems

Figure 10: Visas granted through Ministerial Intervention under s351 by top 10 visa subclasses in the 2011-12 program year



Section 48B of the Migration Act

Table 12: Number of Ministerial Intervention requests received under s48B by top 10 countries of citizenship in the 2011-12 program year

Citizenship	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
China, Peoples Republic of	224	353	83	270
Fiji	93	200	39	161
India	68	153	29	124
Egypt	31	110	27	83
South Korea	20	83	5	78
Lebanon	12	72	10	62
Indonesia	35	66	7	59
Bangladesh	59	63	13	50
Philippines	0	55	0	55
Pakistan	29	46	14	32
Others	172	493	81	412
Total	**743**	**1694**	**308**	**1386**

Source: DIAC Systems

Figure 11: Ministerial Intervention requests received under s48B by top 10 countries of citizenship in the 2011-12 program year

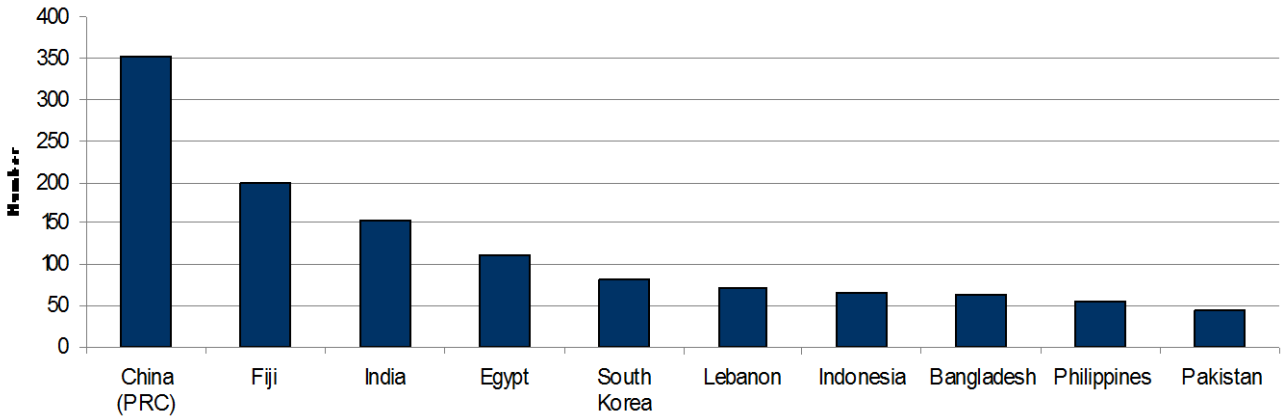
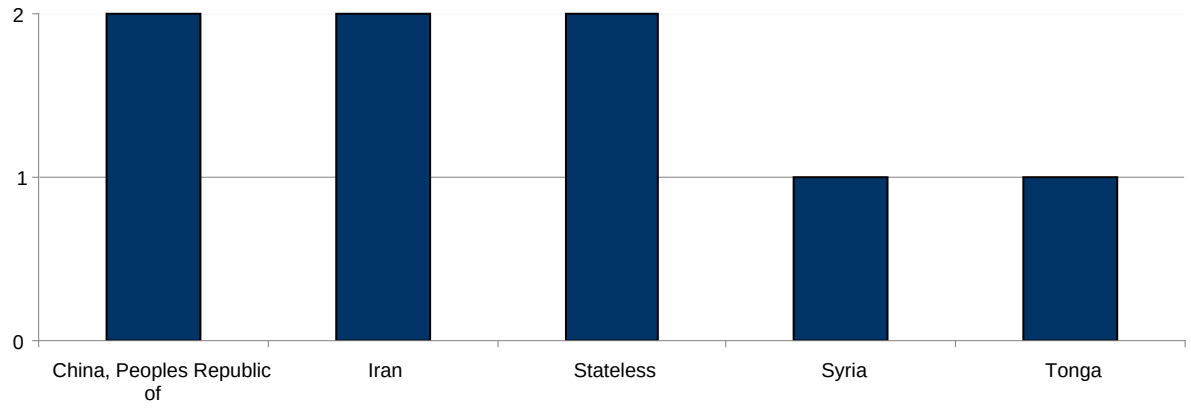


Table 13: Number of requests finalised by Minister to allow client to apply for a further Protection visa under s48B by top 10 countries of citizenship in the 2011-12 program year

Citizenship	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
China, Peoples Republic of	14	2	0	2
Iran	4	2	0	2
Stateless	0	2	1	1
Syria	0	1	0	1
Tonga	0	1	1	0
Others	13	0	0	0
Total	**31**	**8**	**2**	**6**

Source: DIAC Systems

Figure 12: Requests finalised by Minister allowing client to apply for a further Protection visa under s48B by countries of citizenship in the 2011-12 program year



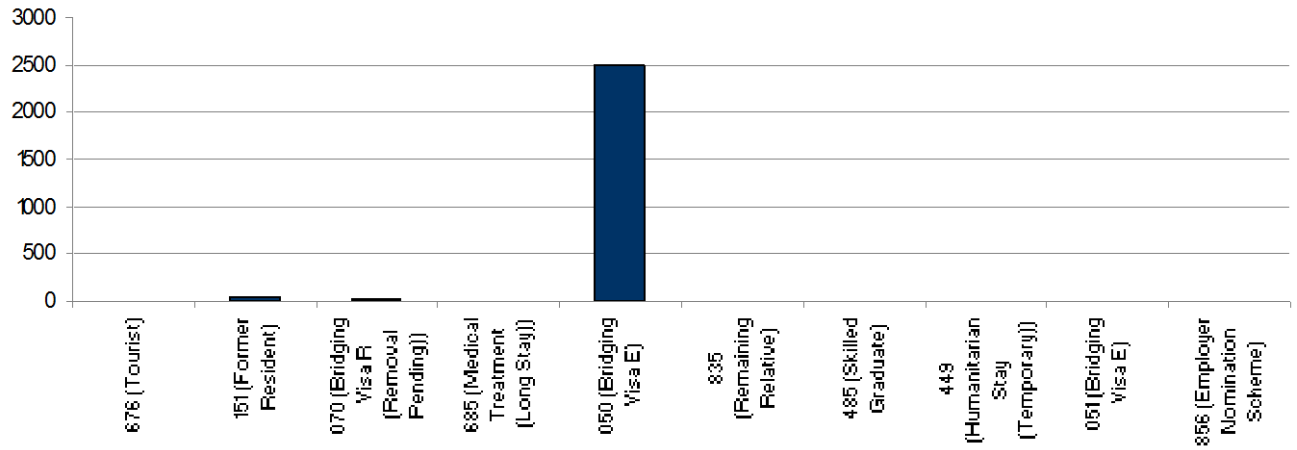
Ministerial interventions (MI) under sections 195A, 345, 391, 454 and 501J of the Migration Act[21]

Table 14: Number of visas granted through Ministerial Intervention under sections 195A, 345, 391, 454 and 501J by visa subclasses in the 2011-12 program year

Visa subclasses	2010-11	2011-12	2011-12	
			July to December 2011	January to June 2012
676 (Tourist)	1	4	3	1
151 (Former Resident)	28	37	11	26
070 (Bridging Visa R (Removal Pending))	7	18	10	8
685 (Medical Treatment (Long Stay))	4	4	3	1
050 (Bridging Visa E)	0	2486	111	2375[22]
835 (Remaining Relative)	0	2	2	0
485 (Skilled Graduate)	0	4	1	3
449 (Humanitarian Stay (Temporary))	0	3	0	3
051 (Bridging Visa E)	1	3	0	3
856 (Employer Nomination Scheme)	0	1	0	1
Others	11	0	0	0
Total	**52**	**2562**	**141**	**2421**

Source: DIAC Systems

Figure 13: Visas granted through Ministerial Intervention under sections 195A, 345, 391, 454 and 501J by visa subclasses in the 2011-12 program year[23]



[21] The countries of citizenship of individuals granted visas through Ministerial Intervention under these sections cannot be readily obtained. This information was not published before as, historically, the visa grants under these Ministerial Intervention powers used to be very small and there was a risk that persons granted visas under these MI powers could be identified if information about their country of citizenship was provided.

[22] The reason for the increase in the number of grants of BVEs through Ministerial Intervention under s195A in program year 2011-12 has been explained in footnote 3 on page 1.

[23] The number of grants through Ministerial Intervention under ss195A, 345, 391, 454 and 501J for some of visa subclasses is very small, and hence, these grants do not feature in Figure 13.

Explanatory Notes

1. Minister's public interest powers

1.1 Sections 351, 391, 417, 454 and 501J

Under sections 351, 391, 417, 454 and 501J of the *Migration Act 1958* (the Act), the Minister has the power to substitute a decision more favourable to a person for that of a review tribunal if he consider it is in the public interest to do so.

The relevant review tribunals are:

- the former Immigration Review Tribunal (IRT) (ceased operation on 31 May 1999) - s351
- the Migration Review Tribunal (MRT) – commenced operation on 1 June 1999) - s351
- the Refugee Review Tribunal (RRT) – s417
- the Administrative Appeals Tribunal (AAT) on referral from the MRT (s391) or RRT (s454) or in respect of a Protection visa (PV) decision within the AAT's jurisdiction (s501J)

The Minister's powers under these sections of the Act are only available after the relevant tribunal has made a decision. This means that the Minister can only use his discretion if:

- a person has made a visa application to the delegate of the minister who is a departmental officer; and
- the delegate has decided not to grant a visa (the primary decision); and
- the person has applied to the relevant tribunal for merits review of the primary decision; and
- the relevant tribunal has made a decision about the person; and
- it is possible to make a decision more favourable to the person than that of the tribunal.

The Minister's powers under sections 351 and 417 are an avenue to give effect to Australia's obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CROC) where a person would not otherwise be eligible for the grant of a visa.

There are some situations where the Minister's public interest powers are not available. These include where:

- the primary decision was not reviewable by the relevant tribunal; or
- no review decision has been made by the relevant tribunal; or
- the relevant review tribunal has remitted the case to the Department and a departmental decision maker has made a subsequent decision on the case; or
- the review tribunal has made a decision to set aside a cancellation decision; or
- the Minister has already intervened in a case.

Once the Minister has intervened to substitute a review tribunal decision with the grant of a visa, his public interest powers in respect of that particular review tribunal decision for that particular person are exhausted. He cannot revisit that decision, regardless of whether a subsequent decision would be even more favourable to the person.

1.2 Section 345

Prior to 1 June 1999, under section 345 of the Act, the Minister could substitute a decision of a review officer for another decision in terms of which the applicant agreed, whether or not the review officer (MIRO) had the power to make that other decision. Despite the repeal of section 345, the Minister retains discretion to exercise his public interest powers under section 345.

1.3 Section 48B

Under section 48A of the Act, a person who has had a Protection visa (PV) refused or cancelled, cannot apply again for a PV while in Australia.

However, under section 48B of the Act, if the Minister thinks it is in the public interest to do so, he may determine that a person is not prevented by section 48A from lodging a valid application for a PV, thus enabling the person to make a further PV application.

This ensures that a person who may be able to make a successful claim for protection due to substantial and credible new claims or new information and/or a change of circumstances in their country of nationality, is not barred from making a further PV application.

Each further PV application or request for intervention under section 48B is assessed by a departmental officer against guidelines that have been approved by the Minister to determine if it is appropriate for it to be referred to the Minister for his consideration.

A section 48B assessment does not require a departmental officer to be satisfied that the person is owed protection, only that there is an enhanced chance of a successful claim for protection. As such, departmental officers are not required to interview clients, or make a full assessment of their claims.

If the departmental officer is satisfied that a request or further PV application meets the guidelines, a submission is prepared to refer the case to the Minister for consideration. The Minister's power under section 48B is non-compellable, so he is under no obligation to intervene.

1.4 Section 195A

Section 195A states that the Minister may grant a visa to a person who is in detention under section 189 of the Act, if he thinks that it is in the public interest to do so.

In exercising his discretion under section 195A, the Minister is not bound by the provisions of the Act or regulations governing application and grant requirements. The Minister has the flexibility to grant any visa that is considered appropriate to a person's circumstance.

The current guidelines provide that the Minister will not intervene under section 195A where there is an existing visa pathway and nor will he intervene unless the request is put to him by the Department.

2. Requests received/initiated

Ministerial Intervention is not an extension of the visa application or review process.

Requests for Ministerial Intervention under sections 48B, 351, 391, 417, 454 and 501J can be made in writing to the Minister by the client or their authorised representative (usually their migration agent). However, requests for Ministerial Intervention under section 195A can only be initiated by the Department.

The Department can also initiate a request on behalf of a client at any time it is considered appropriate, particularly where the Minister has not previously considered the case.

A review tribunal may refer a case to the Department under sections 351, 391, 417, 454 and 501J where they consider that information provided in the course of a review application should be brought to the Minister's attention. In this case, the Department would initiate a request and write to the client or their authorised representative to give them the opportunity to provide any further information or supporting documents.

3. Requests finalised by Department

In line with the Minister's guidelines, these include:

- requests for Ministerial Intervention under sections 345, 351, 391, 417, 454 and 501J which were finalised by the Department as there was no power available (see 1.1);

- requests for Ministerial Intervention under sections 345, 351, 391, 417, 454 and 501J which were inappropriate to consider because:

    - it was open to a person to make a valid application for a Partner visa onshore;
    - an application for a Partner visa onshore had been subsequently refused;
    - there was another visa application concerning the person ongoing with the Department or a review

application in relation to a visa application ongoing with a review authority;
  - there was an ongoing Ministerial Intervention request under a different public interest power;
  - there was a remittal or a set aside from a review authority or from a court and a subsequent decision had not yet been made by the Department or review tribunal;
  - they were decided by MIRO and are now at the MRT; or
  - the request was made by a person who is not the subject of the request or their authorised representative.

- repeat requests for Ministerial Intervention under sections 345, 351, 391, 417, 454 and 501J which were not referred to the Minister as there was no significant change in circumstances, or new and substantive claims involving unique or exceptional circumstances; or

- requests under s48B requests which did not meet the s48B guidelines and hence were not referred to the Minister.

This does not apply for Ministerial Intervention under s195A as requests under this section can only be initiated by the Department.

4. Requests finalised by Minister

A Ministerial Intervention request is considered finalised by the Minister when the Minister decides:

- not to consider a request;
- to consider a request but not intervene;
- to intervene under another power; or
- to intervene to grant a visa or allow a client to apply for a further Protection Visa.

Under sections 345, 351, 391, 417, 454 and 501J, all first requests for Ministerial Intervention which do not meet the guidelines are referred to the Minister on a schedule (a short submission) so that he can decide whether he wishes to consider the request. When the Minister does not request any further information on these requests, they are finalised as not considered by the Minister.