

CHAPTER 5

// Immigration Assessment Authority

The Immigration Assessment Authority (IAA) was established in April 2015 as a separate office within the Refugee Review Tribunal. From 1 July 2015, it became a separate office within the AAT's Migration and Refugee Division. The IAA is independent of the Department of Immigration and Border Protection and of the Minister for Immigration and Border Protection.

Role and function

The role of the IAA is to conduct reviews of fast track reviewable decisions. Fast track reviewable decisions are those decisions made by the Minister, or a delegate, to refuse to grant a protection visa to a fast track applicant. Fast track applicants are unauthorised maritime arrivals who entered Australia between 13 August 2012 and 31 December 2013 who have not been taken to an offshore processing country and have been permitted by the Minister to make a protection visa application. Fast track applicants are also persons specified by the Minister by instrument.

Structure of the IAA

The IAA consists of the President of the AAT, the Division Head of the Migration and Refugee Division, the Senior Reviewer and the Reviewers.

The President and the Division Head are responsible for the overall operation and administration of the IAA. The Senior Reviewer is responsible for managing the IAA, subject to the directions of, and in accordance with policies determined by, the President and the Division Head.

The Senior Reviewer must be a Senior Executive Service employee and the Reviewers must also be engaged under the *Public Service Act 1999*. Following a merit selection process, Ms Sobet Haddad was appointed as Senior Reviewer and commenced in September 2015. As at 30 June 2016, there were 13 Reviewers.

The Senior Reviewer and Reviewers are supported in the performance of their functions by staff made available by the AAT.

For the purposes of the finance law and the Public Service Act, the IAA is considered to be part of the AAT.

Figure 2.1 in Chapter 2 illustrates the organisational structure of the AAT, including the IAA. More information about IAA staffing is available in Appendix 2.

Steps in a review

The Department automatically refers fast track reviewable decisions to the IAA. Fast track reviewable decisions are decisions where the Department has refused to grant a protection visa to a fast track applicant and the applicant is not an excluded fast track review applicant.

Referrals are electronic and contain the decision-maker's statement of reasons for the decision. The Department must also give the IAA any material given to the decision-maker by the referred applicant before the decision was made and any other material considered by the Department to be relevant to the review.

Once a fast track reviewable decision has been referred to the IAA for review, the IAA must conduct a review that is efficient, quick, free of bias and consistent with the procedural requirements set out in the *Migration Act 1958*.

The IAA undertakes a limited form of merits review, with decisions in the majority of cases made 'on the papers'. While the IAA has no duty to do so, it can get, request or accept any new information that was not before the Department, but may only consider it in exceptional circumstances. The IAA may request new information be given to it in writing or at an interview. The IAA does not conduct hearings. The President has issued a practice direction relating to procedures in the IAA.

The IAA can:

- affirm the fast track reviewable decision to refuse the referred applicant a protection visa, or
- remit the matter to the Department for reconsideration with directions, including that the referred applicant is a refugee within the meaning of subsection 5(1) of the Migration Act.

The review process is expected to take six weeks to complete, or longer if new material is to be considered.

Performance

Caseload information

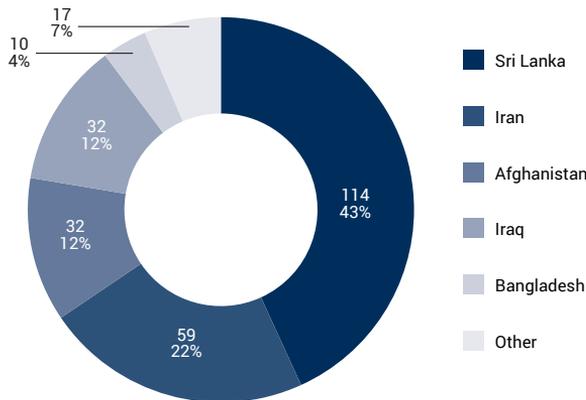
The first cases were referred to the IAA in late October 2015. As shown in Table 5.1, by 30 June 2016, the IAA had been referred 264 cases, 130 of which were finalised. The top five countries of origin of referred applicants were Sri Lanka, Iran, Afghanistan, Iraq and Bangladesh. Chart 5.2 shows the proportion of referrals made for these five and all other countries.

The number of referrals began to increase markedly in the last months of the reporting period. The numbers are expected to increase significantly in 2016–17.

Table 5.1 Caseload overview, 2015–16 – Immigration Assessment Authority

REFERRALS	DECISIONS	ON HAND AT YEAR END	MEDIAN TIME TO FINALISE (WEEKS)
264	130	134	5

Chart 5.2 Referrals to the IAA by country of origin, 2015–16



Of the 130 referrals finalised during 2015–16, the IAA affirmed the decision under review in 94 cases. The decision was remitted to the Department for reconsideration in 36 cases.

The median number of weeks from referral to decision for the reporting period was five weeks.

Forty-five judicial review applications made under Part 8 of the Migration Act were lodged in respect of IAA decisions made in 2015–16. This represents 35 per cent of all decisions made. One judicial review application was finalised in the period with the matter remitted to the IAA.

Complaints

During 2015–16, the IAA did not receive any complaints.

