



Attachment A

The statistics provided in response to your request for information about 'refugee cases' relate only to applications made to the AAT's Migration & Refugee Division under Part 7 of the *Migration Act 1958* for review of decisions to refuse to grant, or to cancel, a protection visa that were finalised from 1 January 2015 to 5 December 2019. The AAT has interpreted 'asylum seeker' to include:

- a person who applied for a protection visa and is seeking review of a decision to refuse to grant the visa; and
- a person who held a protection visa and is seeking review of a decision to cancel the visa.

1) *Documents which outline the number of refugee cases each decision-maker has decided from 1 January 2015 to 5 December 2019.*

See table at Attachment B. The statistics provided relate to all valid applications that were finalised after constitution to a Tribunal member, including applications withdrawn by the applicant. The statistics do not include:

- applications in relation to which a Tribunal member decided that the decision was not subject to review, the applicant did not have standing to apply for a review or the application was not made within the prescribed time limit;

2) *Documents which outline the number of refugee cases [where] each individual decision-maker has affirmed the decision under review and the number of cases each decision-maker has decided in favour of the asylum seeker.*

See table at Attachment B. The statistics provided in relation to decisions that have been affirmed include:

- a decision under section 415(2) of the *Migration Act 1958* to affirm the decision under review; and
- a decision under section 426A(1C)(b) or 426A(1E) of the *Migration Act 1958* to confirm a decision to dismiss an application on the basis the applicant did not appear before the Tribunal at a hearing.

The AAT has interpreted a decision 'in favour of the asylum seeker' to mean any decision made by the Tribunal under section 415(2) of the *Migration Act 1958* to vary or set aside the decision under review or to remit the matter for reconsideration in accordance with such directions or recommendations of the Tribunal as are permitted by the regulations.

Notes:

- During the period the outcomes for applications from Malaysian Nationals differed from those for applications from Nationals of other countries:

- 41% of all decisions affirmed under review were from Malaysian Nationals. Of the 41% affirmed, 19% were dismissed under section 426A(1C)(b) or 426A(1E) of the *Migration Act 1958*. The total percentage of applications dismissed under the same provisions, for all applicants excluding Malaysian Nationals, was 5%;
- a total of 89% of valid applications from Malaysian Nationals had a decision affirmed under review;
- 93% of valid applications from Malaysian Nationals who applied for review under Part 7 of the Migration Act were self-represented and 7% represented. For all other countries, except Malaysia, 39% of applicants were self-represented and 61% represented.
- The above figures include all outcomes finalised, with the exception of those where the member decided that the decision was not subject to review, the applicant did not have standing to apply for a review or the application was not made within the prescribed time limit.

3) Documents which outline overall how many asylum seeker applicants had legal representation at their AAT hearing.

The AAT's case management system records that 7,629 applicants had representation at any point in their review, including migration agents and lay representatives. The AAT is unable to identify whether a migration agent representative is a lawyer or whether an applicant was represented specifically at the time of the hearing.

4) Documents which outline how many applicants had legal representation across individual decision-makers (i.e. how many represented and unrepresented applicants did each decision-maker have in their caseload).

See table at Attachment B. As noted above, the statistics provided relate to whether the applicant had any kind of representative at any point during the review, not only legal representation.

5) Documents which outline how many legally represented applicants were successful and how many unrepresented applicants were successful overall.

	Decision under review affirmed	Decision under review varied or set aside or matter remitted for reconsideration
Represented applicants	5,048	1,997
Self-represented applicants	9,089	405

As noted above, the statistics provided for represented applicant relate to whether the applicant had any kind of representative at any point during the review, not only legal representation.



Administrative Appeals Tribunal

- 6) *Documents which outline how many represented applicants were successful before individual decision-makers and how many unrepresented applicants were successful before individual decision makers.*

See table at Attachment B. The AAT has interpreted “applicants were successful” to mean that the Tribunal made a decision under section 415(2) of the *Migration Act 1958* to vary or set aside the decision under review or to remit the matter for reconsideration in accordance with such directions or recommendations of the Tribunal as are permitted by the regulations.

- 7) *Documents which outline the length of time on average refugee cases take to be decided.*

For information about the average length of time taken from lodgement to finalisation for applications for review of decisions under Part 7 of the *Migration Act 1958*:

- for the 2016–17, 2017–18, 2018–19 financial years and the 2019–20 financial year to date, please refer to the Migration and Refugee Division Caseload Report for each financial year available on the following webpage:

<http://www.aat.gov.au/about-the-aat/corporate-information/statistics>

- for the 2015–16 financial year, please refer to the [2015–16 AAT Annual Report](#);
- for the period including 1 January 2015 to 1 July 2015 (pre-amalgamation), please refer to the [2014–15 Migration Review Tribunal/Refugee Review Tribunal Annual Report](#)

- 8) *Documents which outline the length of time on average each decision-maker takes to decide cases.*

See table at Attachment B. The statistics provided are the average (mean) time taken from constitution of applications to the Tribunal member to finalisation. As the figures are based on the mean, the calculations include outliers which may affect the overall values.

- 9) *Documents which outline the nationality of applicants before individual decision-makers (i.e. how many cases did each decision maker decide from each separate nationality of the asylum seeker applicant) and the data on the distribution of success rates across nationality for each individual decision maker.*

See table at Attachment B.

- 10) *Documents which outline how many refugee cases are published on the public record and how many refugee cases are not publicly published.*

The total number of written statements of reasons for decisions made under Part 7 of the *Migration Act 1958* prepared in relation to applications finalised from 1 January 2015 to 5 December 2019 is **19,948**.

The total numbers of these written statements of reasons that have been published as at 29 January 2020 is **3,636**. A further 445 of these statements of reasons are being prepared for publication at 29 January 2020.

The AAT publishes 20% of statements of reasons for decisions made under Part 7 of the *Migration Act 1958*. If selected, the written statements of reasons for decision are prepared in accordance with section 501K of the *Migration Act 1958*. This section provides that the identity of applicants for protection visas, protection-related bridging visas and those whose protection visa or protection-related bridging visas are cancelled, are not to be published. Consequently, these written statements of reasons for decision must be redacted prior to publication. More information regarding publication of AAT decisions is available in our [Publications of Decisions policy](#).