

NEWSLETTER 133

PRIORITISING APPLICATIONS IN THE MIGRATION AND REFUGEE DIVISION

This applies to applications for review of decisions that are dealt with in the Migration and Refugee Division of the Administrative Appeals Tribunal (AAT). It is intended to ensure consistency and fairness in the AAT's approach to the prioritization of applications in this Division.

PRIORITIES FOR CONSTITUTING AND PROCESSING APPLICATIONS:

- Applications involving individuals held in immigration detention,
- applications where it is unclear whether the AAT has the authority to conduct a review, and
- applications where a member or officer at APS4 level or above determines there are compelling reasons to priorities the application should all be given the highest priority.

The next highest priority applications are the following ones:

- requests for reconsideration of visa cancellation rulings;
- requests forwarded or returned by courts for the AAT to reexamine;
- applications for which the Tribunal has found that the request for an expedited determination satisfies the criteria[1];
- applications that have been submitted again to the Department of Home Affairs (Department) and have been rejected once more, prompting the applicant to submit another request for reconsideration; and
- requests for reviews of decisions denying requests for visitors with close family relationships under regulation 4.23 of the Migration Regulations of 1994.



VISION
OVERSEAS
GROUP

Priority for all other applications, aside from those listed above, will be determined by the date the application was submitted for review, subject to the grouping of applications with related issues or the approval of a targeted approach to specific caseloads by the President or the Head of the Migration and Refugee Division.

"COMPELLING REASONS" TO GIVE PRIORITY PROCESSING.

The applicant or their representative may submit a request to the AAT if they believe there are compelling grounds for giving their application priority processing.

- The request ought to be made in writing;
- Provide any supporting documentation and
- Explain why the applicant believes there are compelling reasons for priority processing.



In cases when the application has already been constituted, the Tribunal will often be tasked with making a decision. The request will typically be sent to an officer at the APS4 level or above for decision-making if the application has not yet been established.



GRANTING EMPLOYMENT OPPORTUNITIES FOR REFUGEES

A \$7.5 million contribution will be made to Victorian social entrepreneurs that help refugees find jobs.

Eight social companies that provide work possibilities for refugees and humanitarian entrants, including Melbourne's Space2b, will receive much-needed financial security through to the government's Economic Routes to Refugee Integration award programme.

Minister Giles visited Space2b in St. Kilda yesterday to make the announcement. During the past five years, Space2b has given 95% of its participants who are refugees sustainable work, including through its on-site café, Flavours of Syria.

This declaration will help disadvantaged people of the community continue living with financial stability in keeping with the Government's commitment to giving assurance to all Australians, while also fostering social relationships between refugees and their host communities.



TWENTY TOP OCCUPATIONS IN DEMAND

The latest Labour Market Update report provides the list of the top 20 occupations in demand nationally this quarter.

Few of the occupations are:

- Registered Nurses
- Software and Applications Programmers
- Aged and Disabled Carers
- Child Carers
- Construction Managers

[Latest Labour Market list](#)

WORK RIGHTS HUB FOR MIGRANTS

The Australian Red Cross website was designed with input from over 150 migrant workers and 250 service providers, unions, community organizations and academia.

The Work Right Hub includes information, tools and services aimed at supporting migrants if they, or someone they know, is experiencing labour exploitation.

The Work Right Hub website includes information on gaining urgent assistance for workers suffering exploitation and modern slavery information.

AUSTRALIA - INDIA EDUCATION ANNOUNCEMENTS

Prime Minister of Australia visit to India has bought number of strategic and other announcements regarding the relationship between the two countries.

These include the announcement that Deakin University will set up the first foreign and Australian university campus in India. The University of Melbourne has also announced that it is launching Bachelor of Science Dual Degrees with major Indian universities to facilitate fast track Masters degrees.

SUBCLASS 151 FORMER RESIDENT APPLICATIONS - CHANGE LODGEMENT ADDRESS

An application for a Special Eligibility (Class CB) Subclass 151 Former Resident visa must be posted with sufficient prepaid postage to:

Subclass 151 Visa Application
Department of Home Affairs
PO Box 9984
Sydney NSW 2001
Australia.

This amendment came into effect on 4 March 2023.

PACIFIC ENGAGEMENT VISA DEBATE

More discussion of a new Pacific Engagement Visa for PALM programme employees has taken place in the Lower House.

The Coalition Party's argument that, while it supported the visa in principle, it did not favour using a lottery to determine eligibility for the visa was at the centre of the discussion.

The discussion was put on hold to resume later.

LEHRMANN DEFAMATION CASE MAY BE SEEN AS 'DE FACTO CRIMINAL PROCEEDING'

The proceedings being brought by former political staffer Bruce Lehrmann against Network Ten and Lisa Wilkinson "could well be seen by the public, and reported by the media, in a similar way" to a criminal trial, litigators tell Lawyers Weekly.

Earlier this year, Bruce Lehrmann filed defamation proceedings against Network Ten and high-profile journalist Lisa Wilkinson over an interview aired on The Project in February 2021, during which fellow former political staffer, Brittany Higgins, alleged that she had been raped in the office of then-defence minister Linda Reynolds at Parliament House.

The respondents were, Mr Lehrmann's statement of claim read, "recklessly indifferent to the truth or falsity of the imputations carried ... without giving [him] a reasonable opportunity to respond".

The current defamation case brought by Mr Lehrmann and the inquiry being held into the conduct of the criminal trial are examples of this, he said.

"Defamation proceedings are not criminal proceedings, and yet the defence of truth that is being asserted means that they are trying to establish the version of the complainant."

"In highly publicised matters such as this, commentary about the plaintiff will almost always be open slather, so criminal trials by media will also often follow."

Ultimately, Mr Kalantar said, "given the way defamation proceedings are heard, the defence of truth is available, and they are entitled to press it".

"As situations like this become more common, it will be interesting to see what strategy the court will adopt to overcome this incredibly complex interplay," he noted.



ALL MIGRATION AND LEGAL QUERIES

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