

Briefing note for Registered Migration Agents

Changes to policy on interviewing protection visa applicants

In around May 2016 the Department's policy changed from offering all protection visa applicants an interview unless there are substantial grounds for not doing so, to not offering an interview to all protection visa applicants.

Who will be interviewed as a matter of policy?

Current policy advises that a protection visa applicant must be given the opportunity of an interview:

- where the applicant is a Fast Track applicant
- before granting a protection visa or
- before making a decision to refuse based solely on issues relating to the applicant's credibility.

Who won't be interviewed as a matter of policy?

Policy indicates that the option not to interview may be appropriate where:

- the applicant is from a country in either Table 1 (countries that are signatories with a positive record of adherence to the Refugee Convention, the International Covenant on Civil and Political Rights and the Convention Against Torture and are considered to be generally safe and politically stable) or the applicant is from a country in Table 2 (countries with post-review refusal rates of 90 per cent or more over the last two years); and
- where their claims are not supported by country information.

Table 1: Signatories to relevant international treaties and conventions with a strong record of adherence

Belgium	Canada	Cyprus	Denmark	Estonia
Finland	France	Germany	Ireland	Italy
Japan	Malta	Netherlands	New Zealand	Norway
South Korea	Sweden	Switzerland	United Kingdom	United States of America

Table 2: Citizenships with low historic grant rates

Citizenship	Finally determined grant rate		Finally determined decisions made
	Q4 2013-14 to Q3 2014-15	Q4 2014-15 to Q3 2015-16	
Malaysia	9.9%	1.9%	998
India	6.8%	6.2%	1160
Nepal	7.9%	10.3%	280
South Korea	4.9%	6.1%	114
Tonga	2.9%	3.3%	100

Who needs to respond to letters from the Department within 7 days to get an interview?

Even if an applicant is not from one of these countries, if the Department assess that their claims are not supported by country information, they may write to the applicant offering the opportunity to attend an interview.

In this offer, a person has seven days from the date of receipt to respond to advise if they accept the offer. If no response is received after this date, a decision can be made on the basis of information in the application alone to refuse the application, with no interview.

Examples of Plain English advice to clients on this issue

Departmental policy on interviewing has changed so that not everyone gets interviewed. If you don't get interviewed this means they refuse your application.

For clients from one of the countries listed in the tables: Department policy is that you will not necessarily be invited to attend an interview where the Department's view is that country information does not support your claims.

We recommend you ask for an interview in writing, and set out both your claims, and how they are supported by independent country information as soon as possible.

The Department must consider any information put by you to them before a decision is made.

For clients from any other country: The Department may write to you asking you to accept the offer of interview within 7 days.

If you don't accept, they can refuse your case without interviewing you.

To check if this applies to you, read the 'acknowledgement of valid application letter' that the Department provided to you when you first lodged your protection visa application very carefully.

If the letter states that if you would like the opportunity to discuss your claims to the visa by interview you need to ask for this, and to do so as soon as possible.

We recommend you ask for an interview in writing, and set out both your claims, and how they are supported by independent country information as soon as possible.

The Department must consider any information put by you to them before a decision is made.

Helping a client request an interview

Requests may be forwarded to: opnsw.admin@border.gov.au quoting the client's name, date of birth, application ID, File Number.

A sample request for clients intending on submitted further information:

"I refer to my acknowledgement of valid application letter dated [date] which was sent to me by post. The letter stated that if I would like the opportunity to attend an interview I should write to DIBP within 7 days of deemed notification of the letter.

I am writing to request an opportunity to discuss my protection visa claims by interview. I request that no decision be made on my protection visa application until after I have had the chance to discuss my claims by interview. I would also like to advise that I intend to submit a detailed statement and supporting country information relating to my protection claims. Kindly respond to my email to acknowledge receipt of my request. Many thanks."

Please note: This briefing note contains general information only. It does not constitute legal or migration advice. RACS is independent of the Department of Immigration. All assistance is free. This briefing note was prepared in September 2016.