



## Australian Government

### Migration Review Tribunal · Refugee Review Tribunal

## Publication of MRT and RRT decisions

MR11

The Tribunals publish, under the Migration Act, a range of statements of decision and reasons, which the Principal Member considers to be of 'particular interest'.<sup>1</sup>

Publishing decisions ensures public transparency and accountability and enables interested persons to research how cases and issues are dealt with.

The Principal Member has decided to publish at least 40% of MRT and 40% of RRT decisions to set aside, or affirm the decision under review or to remit a visa application for reconsideration. A selection of decisions where the Tribunals' were found not to have jurisdiction is also to be published.

The proportion of decisions to be published is set on the basis of providing a representative sample of decision outcomes, visa types and Tribunal Members, while minimising the publication of large numbers of decisions that are substantially similar.

The Tribunals welcome suggestions from the community for particular types of case to be published.

### Selecting decisions for publication

A decision is considered to be of 'particular interest' if it:

- is representative of the range of decisions across visa classes, claims, source countries and outcomes of review; or
- involves detailed consideration of legal arguments or policy issues; or
- involves complex or unusual facts; or
- is likely to be of significant external interest; or
- has clear precedential value.

### Restricting publication

About 5% of Tribunal decisions are subject to Member directions that certain decisions should not be published, usually to protect the privacy of the applicant.

There are some specific restrictions on the publication of decisions. The identity of persons who have applied for protection (refugee) visas, and their relatives, cannot be disclosed, and there are powers to restrict the publication of information in the public interest.

A further proportion of decisions are unsuitable for publication for reasons such as the likelihood of identifying a protection visa applicant through the circumstances of the case, or the decision

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<sup>1</sup> Sections 369 [MRT] and 431 [RRT] of the Migration Act.

includes significant detail of sensitive health or family violence information, information about minors, or information that may assist identity theft.

The RRT must not publish any decision statement which may 'identify an applicant or any relative or other dependant of an applicant'.<sup>2</sup>

A Member may also give a direction to restrict the publication of information if the Member considers it to be in the public interest to do so.<sup>3</sup>

All RRT decisions selected for publication are edited to remove identifying information, and there is no need for Members to give directions in relation to restricting such information in RRT decisions.

The restriction on identifying protection visa applicants also applies to MRT decisions.

For both MRT and RRT cases, there may be other information which is subject of a direction to restrict publication in the public interest. In considering such a direction, Members have regard to any views expressed by persons involved in the case, and any case law or other guidance in relation to determining whether it is in the 'public interest' to restrict publication.

### **Publishing decisions**

Tribunal decisions selected for publication are published on the AustLII website at [www.austlii.edu.au](http://www.austlii.edu.au). AustLII provides free internet access to Australasian legal materials, including legislation and court and tribunal decisions.

### **Amending or removing a published decision**

An applicant or any interested party may request that a decision be removed from the AustLII website.

For more information on the Tribunals please refer to the Tribunals' website [www.mrt-rrt.gov.au](http://www.mrt-rrt.gov.au) or contact:

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Principal Registry  
GPO Box 1333  
SYDNEY NSW 2001  
Ph: (02) 9276 5060 Fax: (02) 9276 5099

Email: [enquiries@mrt-rrt.gov.au](mailto:enquiries@mrt-rrt.gov.au)  
Internet: <http://www.mrt-rrt.gov.au>

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<sup>2</sup> Section 431 of the Migration Act.

<sup>3</sup> Sections 378 [MRT] and 440 [RRT] of the Migration Act.