



**Australian Government**

**Department of Immigration and Citizenship**

**“Post-Palmer reform of DIAC  
and regulation of the migration advice industry”**

**Mr Andrew Metcalfe**

*Secretary, Department of Immigration and  
Citizenship*

# Immigration Restriction Act 1901

252

No. 17.

*Immigration Restriction.*

1901.

## IMMIGRATION RESTRICTION.

### No. 17 of 1901.

An Act to place certain restrictions on Immigration and to provide for the removal from the Commonwealth of prohibited Immigrants.

[ Assented to 23rd December, 1901.]

**B**E it enacted by the King's Most Excellent Majesty the Senate and the House of Representatives of the Commonwealth of Australia as follows :—

Short title.

1. This Act may be cited as the *Immigration Restriction Act 1901*.

Definition.

2. In this Act, unless the contrary intention appears,—

“Officer” means any officer appointed under this Act, or any Officer of Customs;

“The Minister” means the Minister for External Affairs.

Prohibited  
Immigrants.  
See Fatal Act  
1907, No. 1, s. 2.  
W.A. 1907,  
No. 13, s. 2.  
N.S.W. 1908,  
No. 2, s. 2.

3. The immigration into the Commonwealth of the persons described in any of the following paragraphs of this section (hereinafter called “prohibited immigrants”) is prohibited, namely :—

(a) Any person who when asked to do so by an officer fails to write out at dictation and sign in the presence of the officer a passage of fifty words in length in an European language directed by the officer ;

# Migration as a policy tool

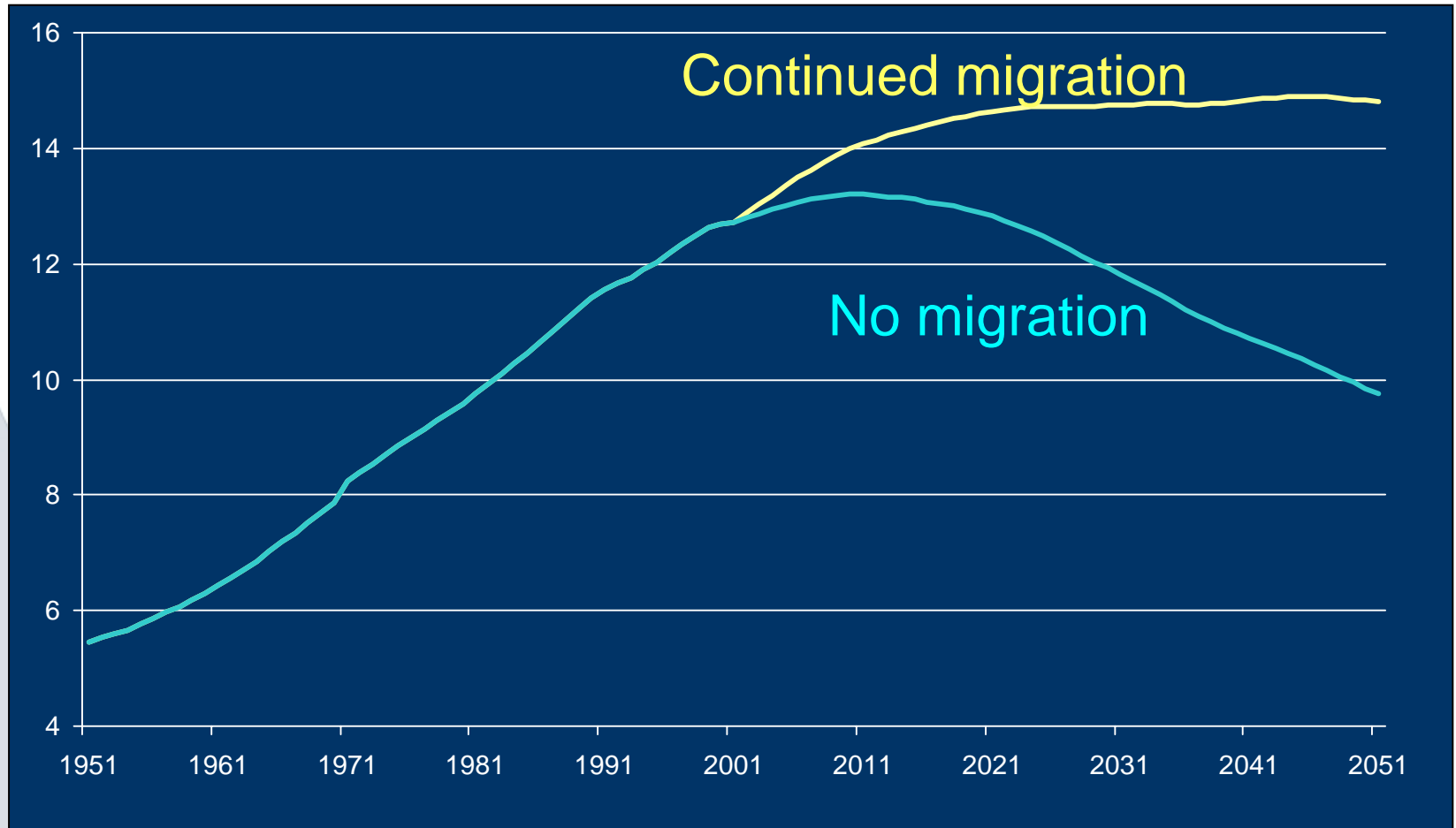
## **Since 1945**

- almost 6.5 million permanent settlers**
- humanitarian component of 660 000**

## **This year**

- around 140 000 permanent migrants**
- 13 000 refugees and humanitarian entrants**

# Australia's working age population (millions)



# A week in the life of DIAC

- **30 000 phone calls received onshore**
- **Around 3000 permanent visas granted**
- **Citizenship granted to nearly 2000 people**
- **Around 100 litigation matters resolved**



## HIGH COURT OF AUSTRALIA

Public Information Officer

8 November 2006

### MINISTER FOR IMMIGRATION AND INDIGENOUS AFFAIRS v STEFAN NYSTROM

The cancellation of one of Mr Nystrom's two visas should be taken to have cancelled the other, the High Court of Australia held today.

Mr Nystrom was born in Sweden on 31 December 1973 while his mother was visiting relatives. His parents had migrated to Australia in 1966. Mr Nystrom and his mother returned to Australia on 27 January 1974 and he has not left Australia since. He knows little of his Swedish relatives and does not speak Swedish. Mr Nystrom has a criminal record of 87 offences dating back to when he was aged 10 and he has served eight prison terms. His convictions include theft, burglary, criminal damage, armed robbery, drug offences, driving offences, arson, intentionally causing serious injury and aggravated rape. In 2004 the Minister cancelled Mr Nystrom's transitional (permanent) visa because, based on his substantial criminal record, he failed to meet the character test specified in section 501(6) of the *Migration Act*. He claimed he also held an absorbed person visa. There is no difference in the substantive rights conferred by the two visas. Mr Nystrom argued that because he had been a permanent resident for 10 years before the commission of the crimes he was not liable to removal from Australia on cancellation of a visa. He also argued that the Minister had either cancelled the wrong visa or failed to take his absorbed person visa into account.

# Migration legislation

## ***Migration Act 1958***

- 1986 - a slim volume of broad principles
- 2007 - more than 550 provisions

## **Migration Regulations**

- 2007 - more than 1900 pages
- 1100 amendments in 2005

# Litigation

## **1986**

- less than 100 litigation cases on hand

## **2005-06**

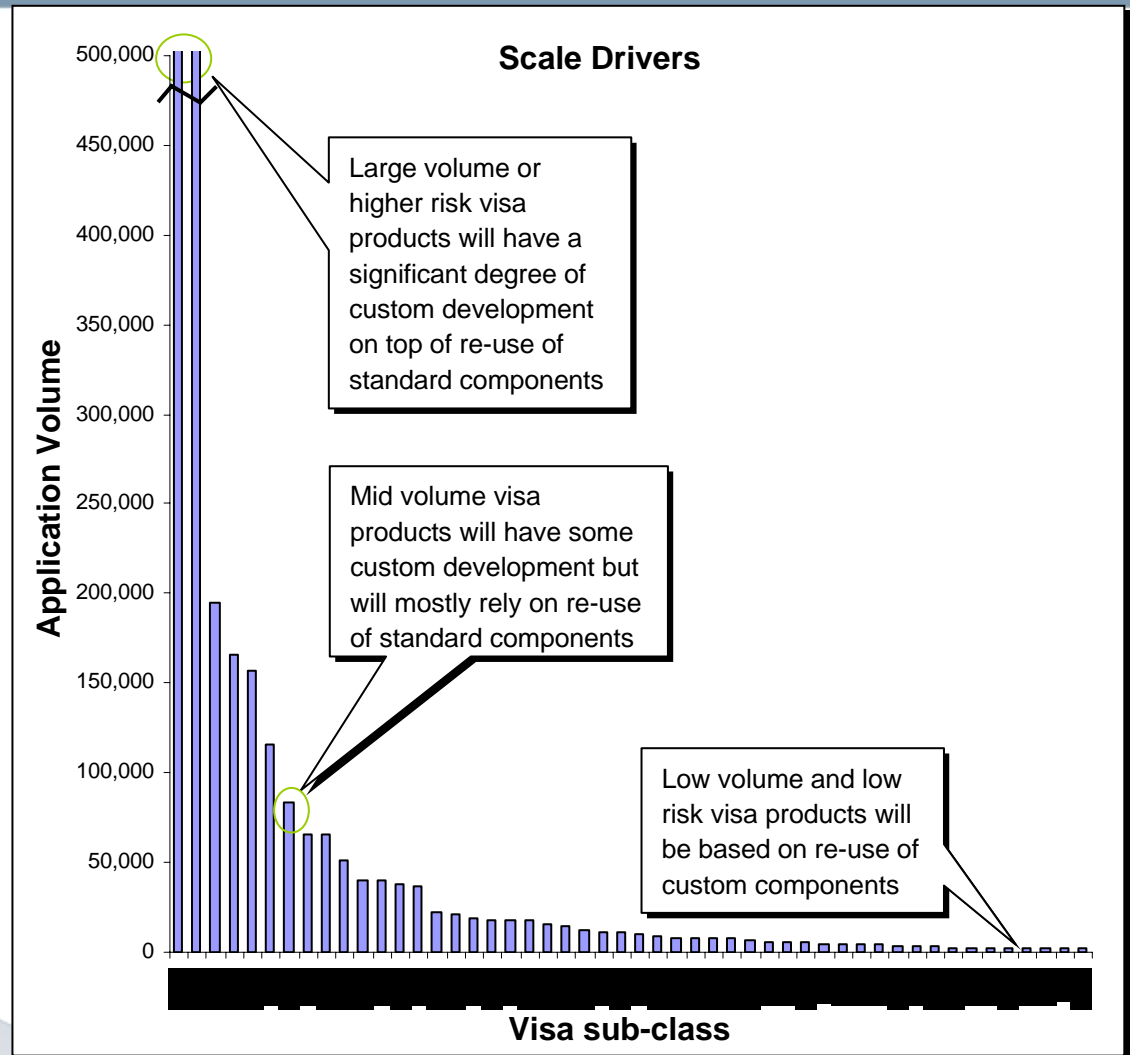
- 5000 litigation matters resolved
- 94 per cent resolved in favour of the Minister

# HREOC report on detention facilities

**‘It is clear to us that the department... has gone to great lengths to improve the approach and attitude of staff towards detainees in immigration detention centres over the last year’**

***Graeme Innes - Human Rights Commissioner  
January 2007***

# Business process reform for visa classes





**Australian Government**

**Department of Immigration and Citizenship**

**“Post-Palmer reform of DIAC and regulation  
of the migration advice industry”**

**Mr Andrew Metcalfe**

*Secretary,*

*Department of Immigration and Citizenship*