

Scott Morrison backtracks on cap on protection visas after legal challenge

by Rick Morton via bill - The Australian *Thursday, Dec 19 2013, 6:07pm*

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IMMIGRATION Minister Scott Morrison has quietly revoked a cap on protection visas for asylum-seekers, following a High Court challenge to the move.

The revocation of the Migration Act regulation - revealed in a brief note on the Attorney-General department's law website - took effect yesterday, and overturns the cap on protection "Class XA" visas for the 2013-14 financial year.

The visas were capped at 1650, the number already issued by the previous government.

Mr Morrison moved to cap the visa numbers at the beginning of the month after the Senate struck down attempts to introduce temporary protection visas.

At the time, Mr Morrison said he had introduced the cap because, one way or another, the Coalition government would not grant permanent residency to asylum-seekers no matter how long they had been in the country.

"The government today has shut Labor's protection visa shop ... the door has been sealed shut," he said at the time.

"That means that no further protection visas can be provided to onshore applicants this financial year, which takes us obviously through to June 30."

Lawyers from the Refugee and Immigration Legal Centre asked the High Court yesterday to declare Mr Morrison's cap invalid.

They were acting for an Ethiopian boy who was on the verge of having his protection visa finalised when the cap was introduced.

Mr Morrison's office has been approached for comment.

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