

**Question on notice no. 395**

**Portfolio question number: BE21-395**

**2021-22 Budget estimates**

**Legal and Constitutional Affairs Committee, Home Affairs Portfolio**

**Senator Nick McKim:** asked the Australian Border Force on 11 June 2021—

Please provide the number of people detained on Christmas Island who have previously held a protection visa, refugee, or humanitarian visa

a. Please break down by visa subclass.

i. How many of these are engaged in a visa assessment process, merits review, judicial review, or Ministerial intervention process?

ii. How many are stateless?

iii. What is the length of detention?

1. Please provide a breakdown by years of detention across the detention network.

iv. How many have had their visa cancelled under s.501 Migration Act?

v. How many have had their visa cancelled under s.116 Migration Act?

vi. How many have not had their visa cancelled?

vii. How many have been convicted and served a custodial sentence?

viii. How many have not been charged?

ix. How many have not been convicted?

x. How many have not been served a custodial sentence?

**Answer —**

Please see the attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
BUDGET ESTIMATES  
24-25 MAY 2021**

**Home Affairs Portfolio  
Australian Border Force**

**Program 3.5: Onshore Compliance and Detention**

**BE21-395 - Christmas Island Detainees - Previously held Protection, Refugee or Humanitarian Visa**

Senator Nick McKim asked:

Please provide the number of people detained on Christmas Island who have previously held a protection visa, refugee, or humanitarian visa

a. Please break down by visa subclass.

- i. How many of these are engaged in a visa assessment process, merits review, judicial review, or Ministerial intervention process?
- ii. How many are stateless?
- iii. What is the length of detention?

1. Please provide a breakdown by years of detention across the detention network.

- iv. How many have had their visa cancelled under s.501 Migration Act?
- v. How many have had their visa cancelled under s.116 Migration Act?
- vi. How many have not had their visa cancelled?
- vii. How many have been convicted and served a custodial sentence?
- viii. How many have not been charged?
- ix. How many have not been convicted?
- x. How many have not been served a custodial sentence?

*Answer:*

As at 31 March 2021, 82 detainees on Christmas Island (including North West Point and Phosphate Hill Alternative Place of Detention) previously held a protection, refugee or humanitarian visa.

a.

**Table: Detainees on Christmas Island (including North West Point IDC and Phosphate Hill APOD who previously held a protection, refugee or humanitarian visa by visa subclass held (as at 31 March 2021)**

<b>Visa subclass held</b>	<b>Detainees</b>
Refugee (subclass 200)	29
In-Country Special Humanitarian (subclass 201)	<5
Global Special Humanitarian (subclass 202)	32
Woman at Risk (subclass 204)	<5
Temporary Protection (subclass 785)	<5
Safe Haven Enterprise (subclass 790)	<5
Protection (subclass 866)	12
<b>Total</b>	<b>82</b>

- i. Of the 82 detainees on Christmas Island (including North West Point and Phosphate Hill Alternative Place of Detention) who previously held a protection, refugee or humanitarian visa (as at 31 March 2021), 61 were engaged in a visa assessment process, merits review, judicial review, or Ministerial intervention process.
- ii. Of the 82 detainees on Christmas Island (including North West Point and Phosphate Hill Alternative Place of Detention) who previously held a protection, refugee or humanitarian visa (as at 31 March 2021), less than five were stateless.
- iii. **Table: Detainees on Christmas Island (including North West Point IDC and Phosphate Hill APOD who previously held a protection, refugee or humanitarian visa by visa subclass held (as at 31 March 2021)**

Length of detention (years)	Detainees
Less than 1 year	<10
1 year	28
2 years	12
3 years	16
4 years	10
5 years	<10
6 years	<5
<b>Total</b>	<b>82</b>

- iv. Of the 82 detainees on Christmas Island (including North West Point and Phosphate Hill Alternative Place of Detention) previously held a protection, refugee or humanitarian visa (as at 31 March 2021), 81 were cancelled under section 501 of the *Migration Act 1958*.
- v. Of the 82 detainees on Christmas Island (including North West Point and Phosphate Hill Alternative Place of Detention) previously held a protection, refugee or humanitarian visa (as at 31 March 2021), less than five were cancelled under section 116 of the *Migration Act 1958*.
- vi. Of the 82 detainees on Christmas Island (including North West Point and Phosphate Hill Alternative Place of Detention) previously held a protection, refugee or humanitarian visa (as at 31 March 2021), zero had not been cancelled.
- vii. Data on convictions and sentences is not available in a reportable format.
- viii. Data on charges is not available in a reportable format.
- ix. Data on convictions is not available in a reportable format.
- x. Data on sentences is not available in a reportable format.