

**Question on notice no. 259**

**Portfolio question number: AE22-259**

**2021-22 Additional estimates**

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

**Senator Nick McKim:** asked the Department of Home Affairs on 14 February 2022

—

Please provide the Committee with the number of people detained on Christmas Island

who have previously held a protection visa, refugee or humanitarian visa (broken down

by visa subclass) ?

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

i. Please provide a breakdown.

b. Please break down their length of detention, by cumulative number of years of detention across the detention network, into:

i. up to 2 years;

ii. 2-3 years;

iii. 3-4 years;

iv. 4-5 years;

v. 5-6 years;

vi. 6-7 years;

vii. 7-8 years;

viii. 8-9 years;

ix. 9-10 years; and

x. Over 10 years.

c. How many of these people have had their visa cancelled under s.501 Migration Act?

d. How many of these people have had their visa cancelled under s. 501

(3A)

Migration Act?

e. How many of these people are stateless?

**Answer —**

Please see the attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ADDITIONAL BUDGET ESTIMATES  
14 FEBRUARY 2022**

**Home Affairs Portfolio  
Department of Home Affairs**

**Program 3.5: Onshore Compliance and Detention**

**AE22-259 - People on Christmas Island who have previously held a protection visa, refugee or humanitarian visa**

Senator Nick McKim asked:

Please provide the Committee with the number of people detained on Christmas Island who have previously held a protection visa, refugee or humanitarian visa (broken down by visa subclass)?

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

i. Please provide a breakdown.

b. Please break down their length of detention, by cumulative number of years of detention across the detention network, into:

i. up to 2 years;

ii. 2-3 years;

iii. 3-4 years;

iv. 4-5 years;

v. 5-6 years;

vi. 6-7 years;

vii. 7-8 years;

viii. 8-9 years;

ix. 9-10 years; and

x. Over 10 years.

c. How many of these people have had their visa cancelled under s.501 Migration Act?

d. How many of these people have had their visa cancelled under s. 501(3A) Migration Act?

e. How many of these people are stateless?

Answer:

As at 31 December 2021, of the **212** people detained on Christmas Island, **86** have previously held a protection visa, refugee or humanitarian visa.

Latest Visa	Total
Humanitarian - 200	32
Humanitarian - 202	32
Humanitarian - 204	7
Protection - 785	<5
Protection - 790	<5
Protection - 866	<15
<b>Total</b>	<b>86</b>

a. **63** of these people are engaged in a visa assessment process, merits review, judicial review or ministerial intervention process.

i. Please provide a breakdown.

Process	Total
Judicial Review	19
Merits Review (External)	14
Revocation and Ministerial ('Internal Review')	13
Visa Applications	17
<b>Total</b>	<b>63</b>

b. Please break down their length of detention, by cumulative number of years of detention across the detention network, into:

Years	Total
<b>Up to 2</b>	20
<b>2 - 3</b>	22
<b>3 - 4</b>	9
<b>4 - 5</b>	18
<b>5 - 6</b>	12
<b>6 - 7</b>	<5
<b>7 - 8</b>	<5
<b>Total</b>	<b>86</b>

c. Of these **79** people have had their visa cancelled under s.501 Migration Act.

d. Of these **78** people have had their visa cancelled under s. 501(3A) Migration Act.

e. Of these **less than five people** are stateless.