

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:

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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 |
| Total | 86 |

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 |
| Total | 63 |

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

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

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.